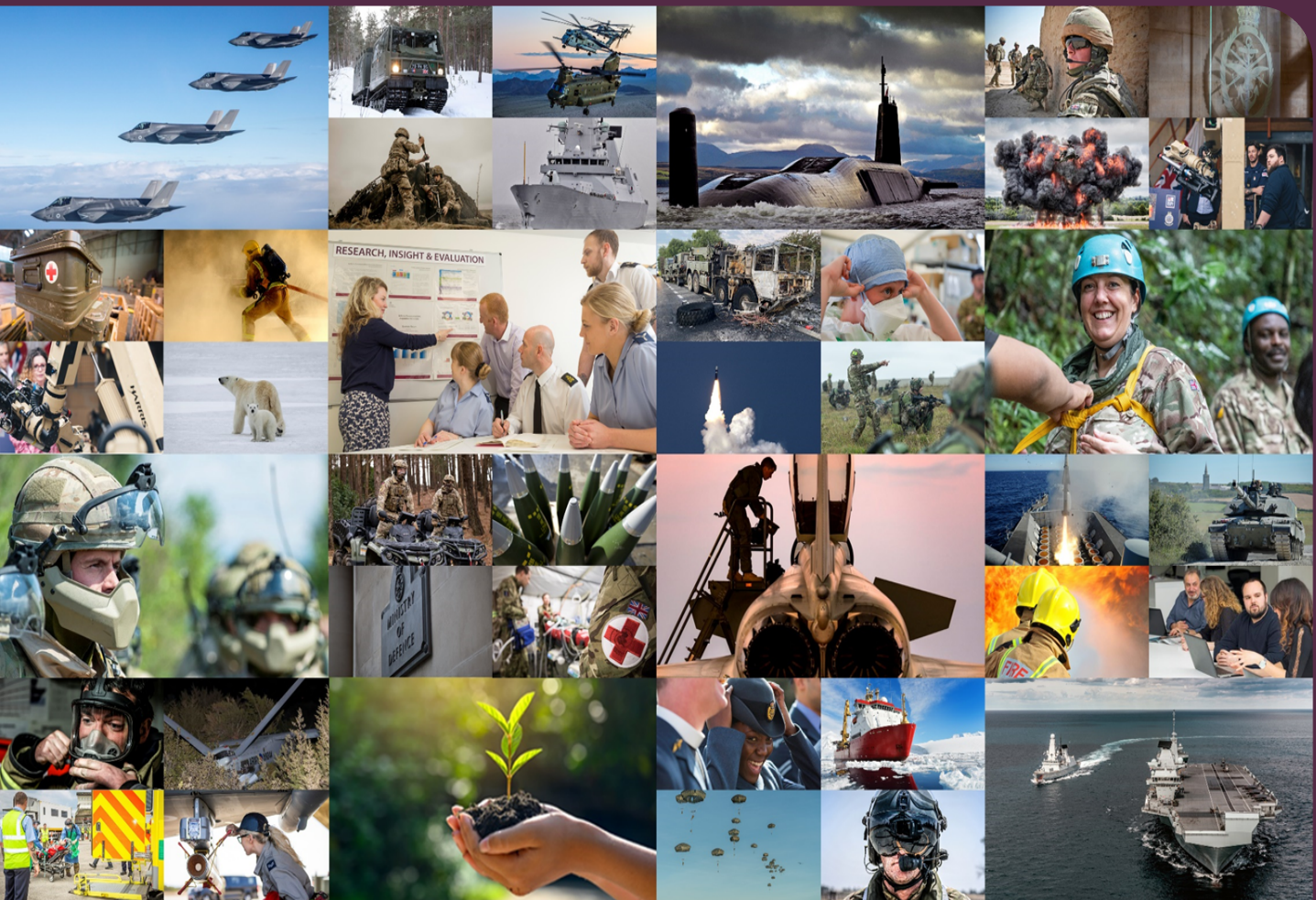




# DSA 01.4

## Investigations



# Foreword

This document explains how the Defence Safety Authority (DSA) conducts safety inquiries. It is subordinate to DSA 01, the DSA Sub-Operating Model, and complements the other documents in the DSA 01 series. Together, the 01 series provides people in the DSA and across Defence with an understanding of how the DSA conducts its activity and what can be expected from its outputs.

This document should be referred to as required to educate and inform stakeholders and guide activity. It is coherent with the Secretary of State for Defence's policy statement for Health, Safety & Environmental Protection (HS&EP) and the DSA Charter. Departmental HS&EP policies are detailed within the relevant Joint Service Publications. Should there be a conflict identified between these documents and the DSA 01 series, please contact the DSA ([DSA-Enquiries@mod.gov.uk](mailto:DSA-Enquiries@mod.gov.uk)).

# Organisation

The DSA was established by a Charter issued by the Secretary of State for Defence as independent regulator, investigator, and assurer for HS&EP within Defence. The DSA's vision is to protect people, the environment and operational capability through effective and independent HS&EP regulation, assurance, enforcement, and investigation. The DSA derives its independence and authority from the DSA Charter.

The Defence Accident Investigation Branch (DAIB) is the DSA's independent accident investigation organisation. As such, it is the primary investigative body involved in DSA led inquiries and investigations.

The DAIB conducts demonstrably independent, impartial, and expert no-blame safety and environmental related investigations of accidents, serious incidents and near misses across all domains by supporting DSA service inquiries (SI) and conducting DSA non-statutory inquiries (NSI).<sup>1</sup> Together, these investigations identify lessons, make recommendations, promote continuous improvement, and minimise the risk of reoccurrence.

The decision to convene a DSA SI or a DSA NSI rests with the convening authority.<sup>2</sup> The convening authority may be appointed by the Defence Council, to investigate any matter or any category of such matters as stated in the terms of their appointment. The Director General DSA (DG DSA) is the primary convening authority where an incident is safety or environmental related. The military commands may choose to convene an SI where the DG DSA has decided not to.

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<sup>1</sup> A DSA Non-Statutory Inquiry (NSI) is a safety investigation predominantly conducted by DAIB investigators with assistance from subject matter experts from wider DSA and/or Defence. Other NSIs may be initiated by individual DSA regulator areas, or by the single Services. A DSA NSI will be initiated at the discretion of the Director General DSA.

<sup>2</sup> See The Armed Forces (Service Inquiries) Regulations 2008 - Regulation 3(1).

DSA SIs draw their panels from across the workforce directorates and are administered and assisted by the DAIB. Additional guidance is laid down in the DAIB standard operating procedure 503 – The service inquiry process.<sup>3</sup>

# Legislation

Section 343 of the Armed Forces Act 2006 provides that ‘the Secretary of State may make regulations for causing inquiries, known as service inquiries, to be held (whether or not in the United Kingdom) in prescribed circumstances in relation to matters connected with any of His Majesty’s Forces’. The Armed Forces (Service Inquiries) Regulations 2008 prescribes the matters about which inquiries must or may be held, and the membership and functions of an SI panel. SIs may be convened by any convening authority as appointed by the Defence Council. DSA SIs are the only SIs not convened from within a military chain of command/military command.

## JSP 832 Guide to Service Inquiries

JSP 832 provides Defence policy and guidance on the procedures to be followed when convening and conducting an SI, and for their subsequent staffing and disclosure. It reflects the statutory basis of the SI derived from legislation.

JSP 832 states that deaths of Service persons are to be the subject of an SI if anything of consequence may be learned. A convening authority should also hold an SI into the following, where anything of consequence may be learned, which is not readily apparent, and which has not been, or is unlikely to be, identified by any other report into the matter:

- Death of a civilian on or in an MOD establishment, unit, or ship in a work-related accident.
- Death of a civilian during Defence organised activities, such as provision of welfare and education services overseas.
- Serious injuries to a Service person or a civilian in certain circumstances such as a civilian contractor working on MOD property.

## JSP 375 Management of Health and Safety in Defence

Chapter 16 of JSP 375 and Leaflet 13 of JSP 418 sets out the procedural requirements and guidance for the reporting and recording of all H&S and EP related accidents and incidents.

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<sup>3</sup> Defence\_AIB\_SOP503 - The Service Inquiry Process

**Initial notification of an occurrence.** In the first instance, the individual, unit, or organisation, should contact the Deputy Chief of Defence Staff Duty Officer (DCDSDO)<sup>4</sup> and the DAIB duty coordinator<sup>5</sup> in addition to those organisations referred to in unit or organisation procedures. The DCDSDO or the DAIB duty coordinator will inform the DG DSA's military assistant, who will inform the DG.

**Information requirements.** The individual, unit, or organisation should pass as much information as is possible at the time. As a minimum, this should include:

- Type of equipment and activity involved.
- Description of accident/serious incident.
- Location.
- Time.
- Any known casualties.
- Contact details of person/organisation reporting the incident.
- Emergency services attending the scene.
- The police force notified (service/civilian) and which medical facility, military or civilian, is involved (if any).
- If the incident has occurred abroad, details of whether host nation support has been offered/received and whether the British Embassy/Defence Attaché is aware.

**Occurrences requiring notification.** The following are the occurrences that require notification to the DAIB:

- **Fatalities and serious injuries.** All potentially safety-related accidents and serious incidents which result in the death or serious injury of a Service person or a civilian where it is related to MOD employment, activity, or estate.
- **Maritime accidents.** Any accident that causes entire or partial disablement of a ship or submarine, such as collision, grounding, explosion, serious fire, or serious flood. Any accident where a maritime system has failed and has compromised safety to Defence personnel or the general public.
- **Land accidents.** Any accident where a land system has failed and has compromised safety to Defence personnel or the general public.

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<sup>4</sup> Deputy Chief of Defence Staff Duty Officer: Civil: 030 6788 8938 or Mil: 9621 88938.

<sup>5</sup> DAIB Duty Coordinator: Civil: 01980 348622.



- **Aviation accidents.** Any accident resulting in an aircraft sustaining Category 4 or Category 5 damage.<sup>6</sup> Any accident where an aviation system or process has failed and has compromised safety to Defence personnel or the general public.
- **Ordnance, munitions, and explosives.** Any unintended initiation of ordnance, munitions or explosives resulting in damage to MOD or public property or has compromised safety to Defence personnel or the general public.
- **Fire.** Any serious fire resulting in significant damage to MOD or public property.
- **Nuclear.** Any nuclear incident or emergency rated 3 or above<sup>7</sup> on the International Nuclear and Radiological Event Scale.<sup>8</sup>
- **Environmental incidents.** Any environmental incident rated as category 1 or 2<sup>9</sup> on the Environmental Agency's scale or local equivalent level. This includes pollution to air, land, and water, damage to plant or animal life, and leaks or emissions over time.
- **Heat illness and cold injury.** In accordance with JSP 375, [Chapter 41](#), the DAIB must be notified immediately of all heat illness cases which have led to hospitalisation or have been formally diagnosed by a medical professional. Additionally, the DAIB must be notified where there are four or more suspected cases of heat illness during the same activity.

In accordance with JSP 375, [Chapter 42](#), the DAIB must be notified immediately of all cold injury cases that resulted in hospitalisation and / or injuries that have been assessed by a medical professional as grade 3 or 4 on the [Cauchy Frostbite Scale](#). Additionally, the DAIB must be notified where there are four or more suspected cases of cold injury during the same activity.

- **Near misses.** Any incident during which death, serious injury or significant loss of capability has been narrowly avoided.

**Reporting systems.** The initial contact with the DCDSDO and the DAIB duty coordinator is to be backed up with the timely completion of a safety reporting form. Listed below are some of the reporting mechanisms in use. This list is not exhaustive.

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<sup>6</sup> Category 4 damage – The damage sustained requires special equipment not available on site and the aircraft must be moved for repair at an established service repair depot. Category 5 damage – The aircraft is damaged beyond economic repair.

<sup>7</sup> International Nuclear and Radiological Event Scale was introduced in 1990 by the International Atomic Energy Agency. Scale of 0 – deviation to 7 – major accident.

<sup>8</sup> DSA (DAIB) would engage the Defence Nuclear Safety Regulator for subject matter expertise/advice for all elements of an initial triage and subsequent investigation. Externally, the Health & Safety Executive and the Office for Nuclear Regulation would be contacted as the enforcing authority for nuclear legislation.

<sup>9</sup> Category 1 incidents have a serious, extensive or persistent impact on the environment, people or property. Category 2 incidents have a lesser, yet significant, impact. Category 3 incidents have a minor or minimal impact on the environment, people or property with only a limited or localised effect on water quality.<sup>10</sup> Security reporting will be reported in accordance with JSP 440.

- **MySafety (previously named DURALS)** is a multi-functional platform intended to facilitate reporting, investigations, exploitation, and recommendations/lessons management across Defence.

It is intended for all safety and environmental reporting, except for air/aviation issues which are to be captured by the Air Safety Information Management System (ASIMS) report, and security reporting<sup>10</sup>. Anyone with a staff or service number plus a MODNET account will be able to report an occurrence.

When completing a MySafety occurrence report, the DAIB is to be notified by selecting the DAIB slider to 'Yes' for incidents meeting the criteria described above. This is a failsafe system, and it should be noted that MySafety does not provide an initial notification function. The DAIB should initially be notified by telephone<sup>11</sup> to ensure that potentially critical safety information is received quickly and to allow evidence to be gathered to facilitate rapid investigation.

- **The Air Safety Information Management System (ASIMS)**<sup>12</sup> reporting tool is to be used for all aviation-related incidents through the completion of a Defence Air Safety Occurrence Report (DASOR)<sup>13</sup> form.

## DAIB deployment and triage

The DAIB holds investigators at very-high readiness to deploy anywhere in the world. Upon receipt of a notification, the Head of the DAIB (Hd DAIB) will decide whether to deploy investigators to carry out a triage of the occurrence. The Hd DAIB will inform the DG DSA of all safety and environmental related serious accidents and incidents resulting in the death or major injury of a service person or civilian where it is related to the MOD (by location, employment, or activity), or significant damage to the environment.

The DAIB investigation team will produce a short triage report to the DG DSA to inform a decision regarding the type of inquiry to be convened, if any. This will include an assessment of matters that may be learned that are not readily apparent from the circumstances of the accident. Before being submitted to the DG DSA, the triage report must include legal advice and SME input (as/if required).

If a serious accident or incident is in an operational theatre, the investigation team will deploy as soon as possible to a suitably secure location that allows access to the scene. Similarly, where an accident occurs in a geographically remote environment, the triage team will deploy as soon as the situation allows. The DAIB triage team will provide the report from which the DG DSA will determine the requirement for any follow-on investigation.

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<sup>10</sup> Security reporting will be reported in accordance with JSP 440.

<sup>11</sup> Tel: 01980 348622.

<sup>12</sup> ASIMS Single Sign-On (mod.gov.uk).

<sup>13</sup> DASOR.

# DSA service inquiries

## Decision to convene a service inquiry

The DG DSA's decision to convene an SI will be made as soon as reasonably practicable following notification of the accident. Factors that inform the decision include: available reports (including the DAIB triage report); the severity of any injuries; the extent of damage to any associated equipment; the degree of loss of capability; the significance of any environmental damage; lessons that might be learned; and the risk to reputation from any significant media interest.

Once the decision has been made to convene an SI, the DG DSA, as the convening authority, will provide guidance on the rank, qualification and experience required by the SI panel. DSA SI SO1 will establish contact with the single Service workforce planning agencies to discuss the nomination requirements. A formal tasking order with an associated timeframe will follow. The single Service workforce planning agencies should nominate appropriate personnel in accordance with the tasking order and the stipulated deadline.

An SI panel usually comprises:

- SI president – OF4 (Cdr, Lt Col, Wg Cdr)<sup>14</sup>.
- SI panel member 1 – OF2/3 (Lt – Lt Cdr, Capt – Maj, Flt Lt – Sqn Ldr).
- SI panel member 2 – OR7/OF2 (CPO – Lt, Staff Sgt – Capt, Flt Sgt – Flt Lt).

The panel is drawn from all military services; however, civil servant and civilian subject matter experts will be drafted onto SI panels to provide specific expertise as required. Should the DG DSA decide not to convene a DSA SI, the DAIB may still conduct a non-statutory inquiry into the accident, or alternatively the Military Commands can consider conducting their own SI/investigation.

A DAIB deployment record will usually be produced irrespective of the decision to convene an SI or the level of follow-on investigation. The level of investigation can be elevated at any time if further investigation reveals a more serious nature to the incident.

## SI convening

The DG DSA will formally convene the SI where an official order for the SI panel to investigate the occurrence will be provided. Amplifying instructions will also be provided, including the timeframe for delivery of the initial report, requirement for an interim report, and production of the provisional report. The SI panel will be provided with specialist DAIB, human factors and legal support.

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<sup>14</sup> The minimum legal requirement is an officer of OF3, however, typically due to the gravity of the accidents being investigated, an OF4 is warranted.

At the formal SI convening, the DG DSA will provide the SI panel with terms of reference (TORs). These are produced using the associated TOR matrix from JSP 832, with additional TORs added as relevant to the specific occurrence.

### Types of reports

The SI is a comprehensive process comprising many parts that act as gateways to the successful completion of the inquiry. These gateways are designed to ensure that the SI panel thoroughly investigates the occurrence in accordance with the TORs. The guideline timeframes associated with an SI are as follows:

- **Initial report.** A review of the occurrence with initial findings and proposed areas for investigation. **4 – 6 weeks after convening.**
- **Interim report.** This is an additional report that may be produced if there are identifiable improvements or mitigation to reduce the chance of recurrence. **May be produced at any time during the lifecycle of the SI.**
- **Monthly updates.** Each SI panel is required to provide the DG DSA with a face-to-face update monthly. Ordinarily this will take place at the DAIB.
- **Provisional report.** This is the completed SI report, termed 'provisional' until such time as it has been accepted and endorsed by the DG DSA. The recommendations will be socialised, and the report fact-checked, prior to endorsement by the DG.
- Once the report has been fact-checked, recommendations socialised and then endorsed by the DG DSA, it is then considered 'final'.

### Informing the next of kin, injured person, ministers, and the coroner

For occurrences that result in a fatality to a service person, SI SO1 will arrange for a redacted copy of the SI final report to be sent to the next of kin (NOK) via their visiting officer (organised through the single service welfare agency). The SI president will be made available alongside the visiting officer and welfare agency representative, to brief the NOK on the SI findings and recommendations.

For occurrences resulting in a serious injury, SI SO1 will arrange for a redacted copy of the SI final report to be shared with the injured person. The SI president will be available to brief the injured person on the SI findings and recommendations.

Once the report has been delivered to the NOK or injured person, the report is submitted to ministers and other relevant governmental offices. If a coroner's inquest is scheduled, an unredacted copy is sent to the relevant coroner in support of the coronial process.



## Publication of the SI

Following distribution to the NOK and/or injured person, ministers, and the coroner, the unredacted report is prepared for internal distribution for Defence via the heads of the single Services. This internal distribution is designed to provide the stakeholders within Defence with early visibility of the findings to address recommendations as expeditiously as possible; **approximately 12 months after convening**.

Whilst internal distribution is taking place, the SI report undergoes a further redaction process, where appropriate, to remove any sensitive or personal information. Upon completion of this, the redacted SI report is usually published externally on the GOV.UK website.

## SI closure process

Upon internal distribution of the SI, panel members 1 and 2 will be released. . The SI president remains in role until the SI recommendations are finalised and the report is deemed ready for external publication on the GOV.UK website (where appropriate).

The finalised SI reports are stored within the DAIB electronic database.

## SI recommendations

The SI report includes findings and any recommendations to improve safety or environmental protection and minimise recurrence of the event. Prior to the report being finalised, the DAIB will write to each of the identified recommendation owners to inform them of their responsibility to address recommendations and request that they appoint a recommendation implementation manager to liaise directly with the DAIB.

Recommendation owners will provide the necessary evidence of implementation to the DAIB to facilitate an internal review prior to a request for closure. Closure meetings are held at least monthly. They are chaired by the DG DSA who, as the convening authority, is responsible for closing out recommendations.

# DSA non-statutory inquiries

A DSA NSI is any DSA safety investigation that has not been convened in accordance with The Armed Forces (Service Inquiries) Regulations 2008.

## Decision to initiate a non-statutory inquiry

Following notification of an occurrence, and completion of a triage, the DG DSA will decide whether there is a requirement to conduct a further investigation.<sup>15</sup> Where it is determined that neither a DSA SI nor a military command SI is to be convened, a DAIB NSI may be directed by the DG DSA. An NSI does not follow the same statutory regulations as an SI,<sup>16</sup> but is still bound by the overarching principles of administrative law, hence the DSA legal advisor is consulted as necessary throughout the process.

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<sup>15</sup> See Annex A – Service inquiry and non-statutory inquiry flowchart.

<sup>16</sup> Section 343 Armed Forces Act 2006. Armed Forces (Service Inquiries) Regulations 2008. JSP 832, Guide to Service Inquiries.

Both SIs and NSIs are conducted to establish the facts of a particular incident, highlight lessons learned, and produce recommendations that prevent recurrence. NSIs differ fundamentally from an SI in that:

- NSIs are not underpinned by statute.<sup>17</sup>
- NSIs may be conducted by just one person, especially in simpler cases.
- NSI investigator(s)<sup>18</sup> do not need to take evidence on oath.<sup>19</sup>
- NSI evidence, including statements, documentary and physical exhibits may be gathered in any appropriate manner.
- NSI investigators cannot seek witness orders to compel civilian witnesses to give evidence.
- NSIs are not routinely published externally on the internet but may be provided and briefed to the NOK or injured person. They are published, if only classified up to OFFICIAL SENSITIVE, on defnet<sup>20</sup>.

### Initiation

An NSI is initiated by Hd DAIB at MOD Boscombe Down. Hd DAIB will provide terms of reference (TORs) to the NSI members. Amplifying instructions will also be provided, including the timeframe for delivery of the initial report, requirement for an interim report, and production of the provisional report.

### Conduct of an NSI

An NSI will be conducted in the manner considered by the DG DSA to best suit the circumstances. This may include utilisation of the SI format, adopting the SI policies as a 'handrail' for the conduct of the inquiry and report writing. **The NSI report will aim to present its findings to the DG approximately 9 months after initiation.**

### Informing the next of kin, injured person, ministers, and the coroner

For occurrences that result in a fatality or serious injury, SI SO1 will arrange for a redacted copy of the NSI final report to be sent to the next of kin (NOK) or the injured person. The NSI president will be made available to brief the NOK on the NSI findings and recommendations.

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<sup>17</sup> NSIs have a lower threshold for investigation than an SI. Whilst not specifically underpinned by statute, this does not absolve the employer from its responsibility from the Management of Health and Safety at Work Regulations 1999 Reg 5.

<sup>18</sup> Usually 1-2 DAIB investigators. Occasionally supplemented with sS investigator SME/other SME.

<sup>19</sup> In certain circumstances evidence may be taken on oath, but the witness cannot be compelled to do so in an NSI.

<sup>20</sup> Defnet is the name of the MOD's intranet.

The report is then submitted to ministers and other relevant governmental offices. If there is a coroner's inquest unredacted copy is sent to the relevant coroner in support of the coronial process.

### **Publication**

DAIB NSIs will be peer-reviewed within the DAIB followed by a review by Hd DAIB, DSA Secretariat and DSA LEGAD. The NSI report will then be presented to the DG DSA and, once accepted, will be provided to relevant stakeholders, and published on defnet (unless classified above OFFICIAL SENSITIVE or otherwise needs to be on limited distribution). The NSI panel will then close, with the DAIB investigators reallocated to other tasks.

### **Recommendations**

Recommendation owners will provide the necessary evidence of implementation to the DAIB to facilitate an internal review prior to a request for closure. Closure meetings are held at least monthly. Depending on the seniority of the recommendation owner, recommendations can be closed by the DG DSA or the Hd DAIB.

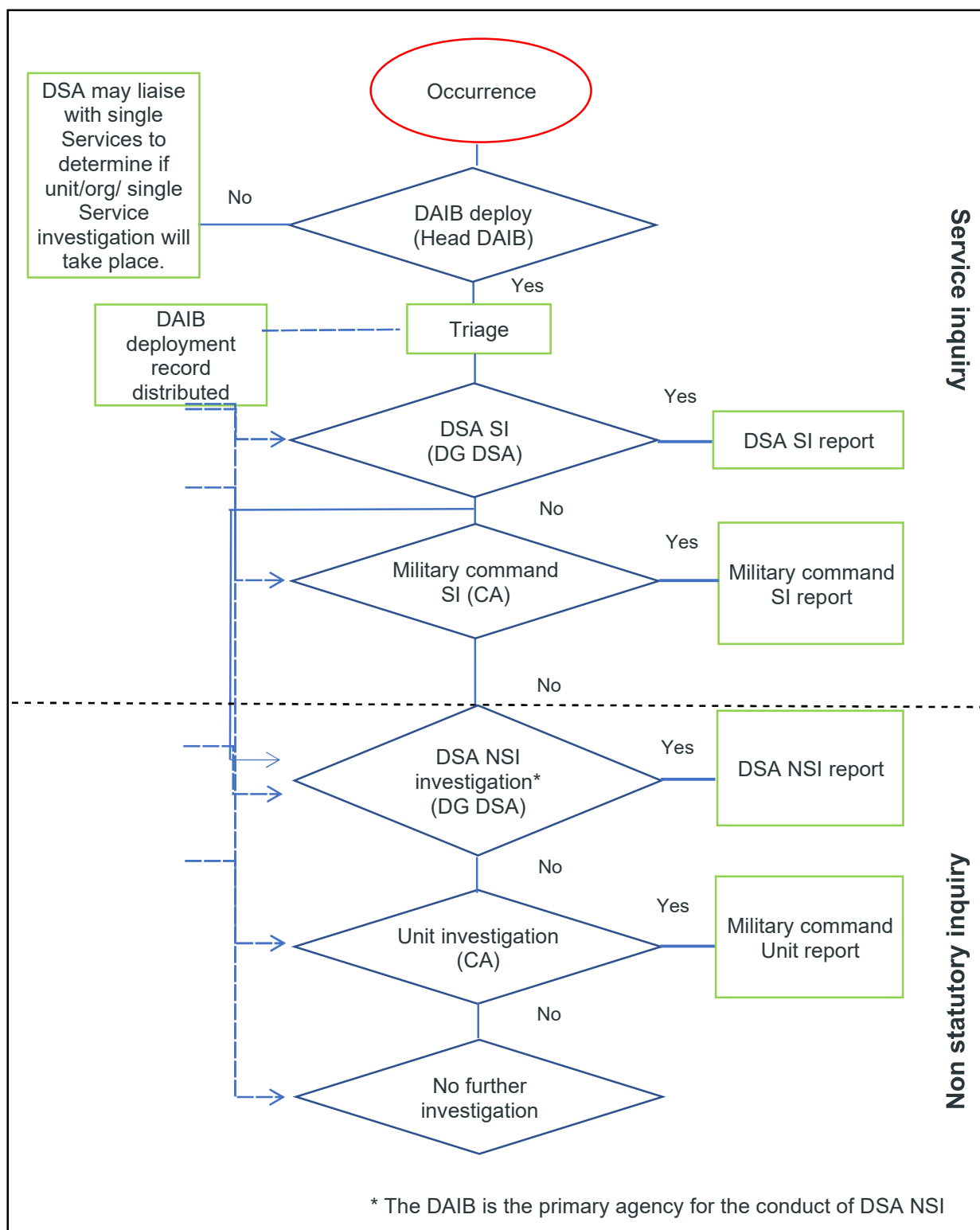
Recommendations associated with an NSI will be promulgated, monitored, reviewed, and tracked to closure by the DAIB.

Annex:

A. Service inquiry and non-statutory inquiry flowchart.

## Annex A – Service inquiry and non-statutory inquiry flowchart

See page A2 for a written description of the flowchart's contents.



When a safety related incident occurs:

1. Head DAIB will decide whether to deploy. If yes, proceed to step 2; if no, liaison with unit/organisation/single service to determine if any further activity.
2. Incident is triaged (usually within 48 hours) and a deployment record is created and distributed (usually within 4 weeks). Decision made by the DG DSA as to whether a DSA service inquiry (SI) is needed. If yes, proceed to step 3. If Military command SI, proceed to step 4. If DSA NSI, proceed to step 5.
3. DSA SI report.
4. Military command SI is recommended by DG DSA\*\*.
5. DSA investigation\* takes place. Decision made DG DSA to conduct a non-statutory inquiry (NSI). If yes, proceed to step 6, if no, proceed to step 7.
6. DSA NSI report (approved by DG DSA).
7. Unit investigation takes place. Decision made single service convening authority to initiate a military command Unit NSI. If yes, proceed to step 8, if no, proceed to step 9.
8. Military command unit NSI report.
9. No further investigation.

\*The DAIB is the primary agency for the conduct of DSA NSIs.

\*\*The DG DSA cannot order any level of single Service investigation; they may only recommend.

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19/06/2023	1.0	DSA-HQ-COS	Document first published.
28/11/2024	1.1	DSA-HQ-LEGAD1	Minor amendments following annual review.
02/04/2025	1.2	DSA-HQ-LEGAD1	Minor amendments following review.