

The Dentons logo consists of the word "DENTONS" in a bold, white, sans-serif font, enclosed within a white arrow-shaped graphic pointing to the right. The background of the slide is a vibrant purple with a large, abstract, teal-colored shape on the right side that resembles a feather or a stylized leaf. The overall aesthetic is modern and professional.

DENTONS

Investigations: What you need to know when you need to know

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Grow | Protect | Operate | Finance

Topics covered

- Regulatory investigations – health and safety
- Other investigations – purpose, process and examples (what's worked what hasn't)





Health and Safety

Overview

- Internal investigations
- Multi party investigations
- What to do when the inspector calls
- Potential investigation outcomes

Internal investigations

Good internal incident management is about:

- Having good control of the incident and key participants
- Having a plan and ensuring everyone knows and follows it
- Having good leadership

Develop incident response plan that:

- Covers the details of how an organisation will deal with a workplace incident and the roles and responsibilities of those within the organisation
- Relevant staff have been trained against
- Has been practised with staff periodically (e.g. annually)

Internal investigations

- Notify Senior Management
- Consider setting up legal privilege
- Establish your investigation team
- Agree on a communications strategy and key points of contact
- Notify your insurer
- Involve lawyers

Multi party investigations

- Duty of consultation, co-operation, and co-ordination of activities when other PCBU's have duties in relation to the same matter
 - Notification to other parties of workplace incidents
 - Joint incident investigations?
 - Information sharing?
 - What do your contracts require?
 - Agreed approach to supporting injured worker(s) going forward?
- Common interest privilege

When the inspector calls

Induct the inspector onto site

Engage with the inspector and try to agree on a process

Co-operate –
eg worker contact details

Important to shadow the
inspector
(at all times, if possible)

Potential investigation outcomes

An orange circle with a subtle radial gradient, containing white text.

**No further
action through
to enforceable
undertakings
or prosecution**

A dark red circle with a subtle radial gradient, containing white text.

**Tips to
influence
investigation
outcome**



Other Investigations

- Purpose of investigations
- The investigations process
- Specific examples – what has and hasn't worked

Purpose of Investigations



Gather facts



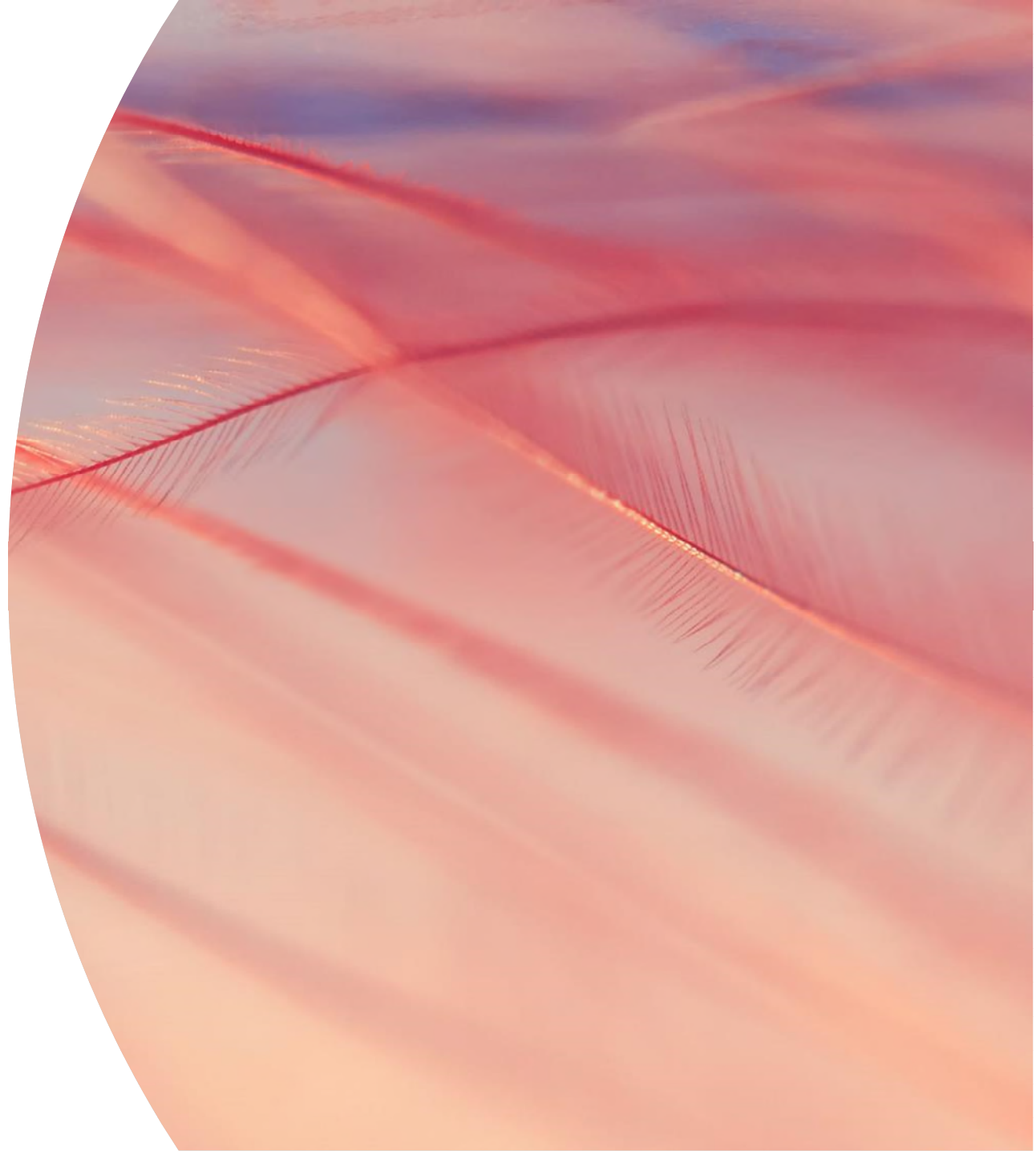
Assess situations



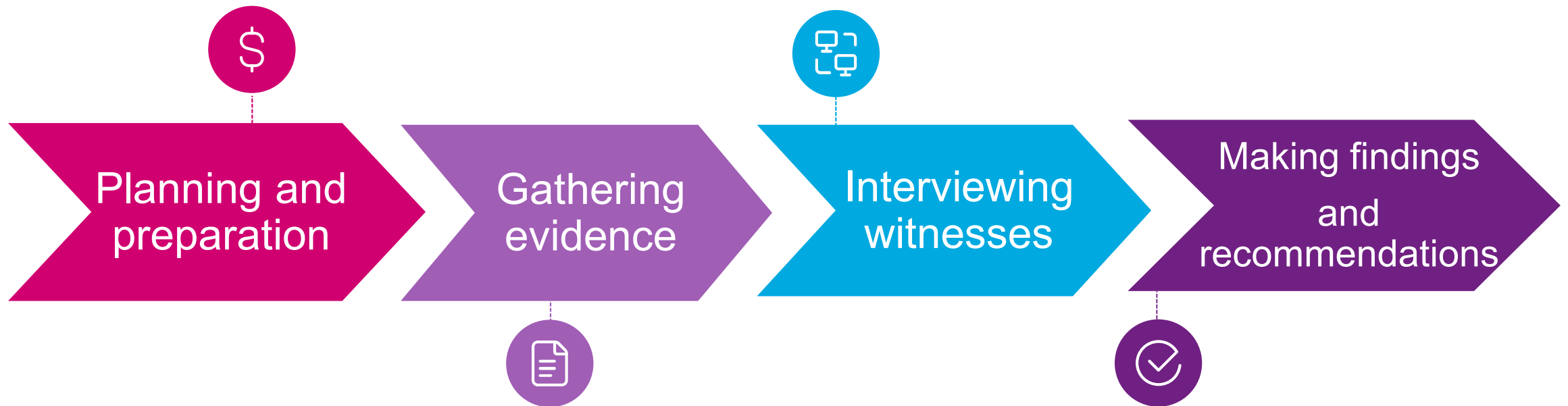
**Resolve conflicts
or concerns**

When to call an investigation?

- Nature of the investigation?
- Threshold is low
- Cost / benefit exercise
- Slows down the clock
- Case study: Gore



Steps in the investigation process



Step 1: Planning and Preparation

When you first think you might need an investigation

- **Get your terms of reference right from the start**
- **Realistic timeframe for report**

Internal vs external investigator?

- Internal investigators have subject matter expertise, more cost efficient
- External investigators are objective and more impartial

High public interest = external investigator

- Opportunity to demonstrate you are looking at the issue with a fresh pair of eyes
- One person responsible for conducting the investigation
- Appropriate framework and authorisation

Step 2: Gathering Evidence

Points to note:

- Have information ready to hand over to the investigator
- Oral evidence (witnesses) vs documentary evidence (records)
- Expert evidence? Technical advice?
- Site visit?



Step 3: Interviewing Witnesses

Key considerations

- Sequencing
- Getting the right witnesses – senior staff
- Brief them first!
- Recording of interviews – should you rely on notes or transcripts?
- Destroy after?



Storage of Information

- What happens at the end of the review – should you destroy?
- Public Records Act 2005 – applies to public offices and local authorities.
- File must be stored securely to prevent unauthorised access, damage or alteration, and to maintain confidentiality.
- Which staff have access to the file?

Stage 4: Draft the Report

Findings and recommendations

- Practical and achievable recommendations
- Introduction or changes to administrative policies or practices
- Natural justice e.g. right to comment on report
- Time considerations
- Will the report be released to the public?



Questions?

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Thank you



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