

Investigation and Prosecution Report

Name(s) of Duty holder(s)	1) Atomic Weapons Establishment (AWE) Plc 2) Gully Howard Technical Limited
Address(es) of Duty holder(s)	1) [REDACTED] 2) [REDACTED]
Role of Duty holder	1) The Atomic Weapons Establishment is responsible for the design, manufacture and support of warheads for the United Kingdom's nuclear weapons. 2) Gully Howard Technical Limited - Specialists in Asbestos Management.
Address/location of incident	[REDACTED]
Date(s) of investigation	11 th , 17 th , 18 th , 24 th & 26 th September 2019, 17 th , 22 nd , 28 th & 29 th October 2019. 13 th November 2019.
Report Number	ONR-INV-19-001

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Appendices *(Please tick (✓) when documents included in report)*

1.	ONR Enforcement Decision Record	<input checked="" type="checkbox"/>
2.	Draft information(s)	<input checked="" type="checkbox"/>
3.	Summon(es)	<input type="checkbox"/>
4.	Witnesses and others interviewed	<input checked="" type="checkbox"/>
5.	Exhibits	<input checked="" type="checkbox"/>
6.	PACE records	<input checked="" type="checkbox"/>
7.	TRIM/CM9 inspection records	<input checked="" type="checkbox"/>
8.	Evidence matrix	<input checked="" type="checkbox"/>
9.	CPIA schedules	<input checked="" type="checkbox"/>
10.	Costs schedule	<input type="checkbox"/>
11.	Company search	<input type="checkbox"/>

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Part A – Investigation Details

A1 – Unique ID number

Investigation Report Number - ONR-INV-10-001
Service Order Number - 10460100

A2 - Matter under investigation *(Give a brief summary of the subject of this report)*

A task-based contractor, Gully Howard Technical Limited, was performing Asbestos Containing Material (ACM), pre-demolition surveys at AWE Plc, Aldermaston site and accessed [REDACTED] and its attached switch/fuse box room where the electrical switchgear was energised on the incoming side, and unintentionally created an arc flash (Near Miss) event when one of their operatives attempted to remove a flash guard for asbestos sampling purposes with a chisel. This work was part of a larger project that AWE Plc had contracted to Gully Howard Technical Limited where upon they were tasked to complete pre-demolition surveys across various buildings at the AWE Plc site.

There were no injuries sustained during this event but as a precaution the Gully Howard Technical Limited operative, who had the near miss, attended the on-site Medical centre ([REDACTED] Medical Centre). The medical team assessed [REDACTED] and [REDACTED] was confirmed fine and was subsequently released and left the site.

This report details the investigation ONR undertook into the [REDACTED] Electrical Near Miss Event.

A3 - Date of incident *(where applicable)*

20th June 2019

A4 - Name of duty holder(s) *(Give full name of legal entity)*

- 1) Atomic Weapons Establishment (AWE) Plc
- 2) Gully Howard Technical Limited

A5 - Role of duty holder(s) *(Employer, principal contractor, etc)*

- 1) The Atomic Weapons Establishment is responsible for the design, manufacture and support of warheads for the United Kingdom's nuclear weapons.
- 2) Gully Howard Technical Limited - Specialists in Asbestos Management.

A6 - Address(es) of duty holder(s) *(Include registered office address, Companies House registration number and company search (Annex 11) if a company, or NI number of individual when prosecution under consideration)*

- 1) [REDACTED]
- 2) [REDACTED]

A7 - Location details *(Location of incident or other matter under investigation)*

[REDACTED]

A8 - Name(s) and address(es) of Injured Person(s) (IP(s)), Deceased Person(s) (DP(s)) *(Where applicable)*

No direct employees of AWE Plc or the contractor, Gully Howard Technical Limited, sustained injuries.

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A9 - Name and full office address of lead ONR investigator *(The lead ONR investigator is equivalent to the 'investigator' for the purposes of CPIA in England and Wales)*

[Redacted]

A10 - Names of other ONR investigators *(Include the names of ONR colleagues involved in the investigation)*

[Redacted] – ONRs AWE Nominated Inspector
[Redacted] – ONRs Electrical Specialist Inspector
[Redacted] – ONRs Conventional Health and Safety Inspector

A11 - Name(s) and contact details for non-ONR investigators *(Include the names of key investigators from other agencies, if a multi-agency investigation)*

N/A

A12 - Date investigation commenced

26th July 2019

Criminal Procedure and Investigations Act 1996

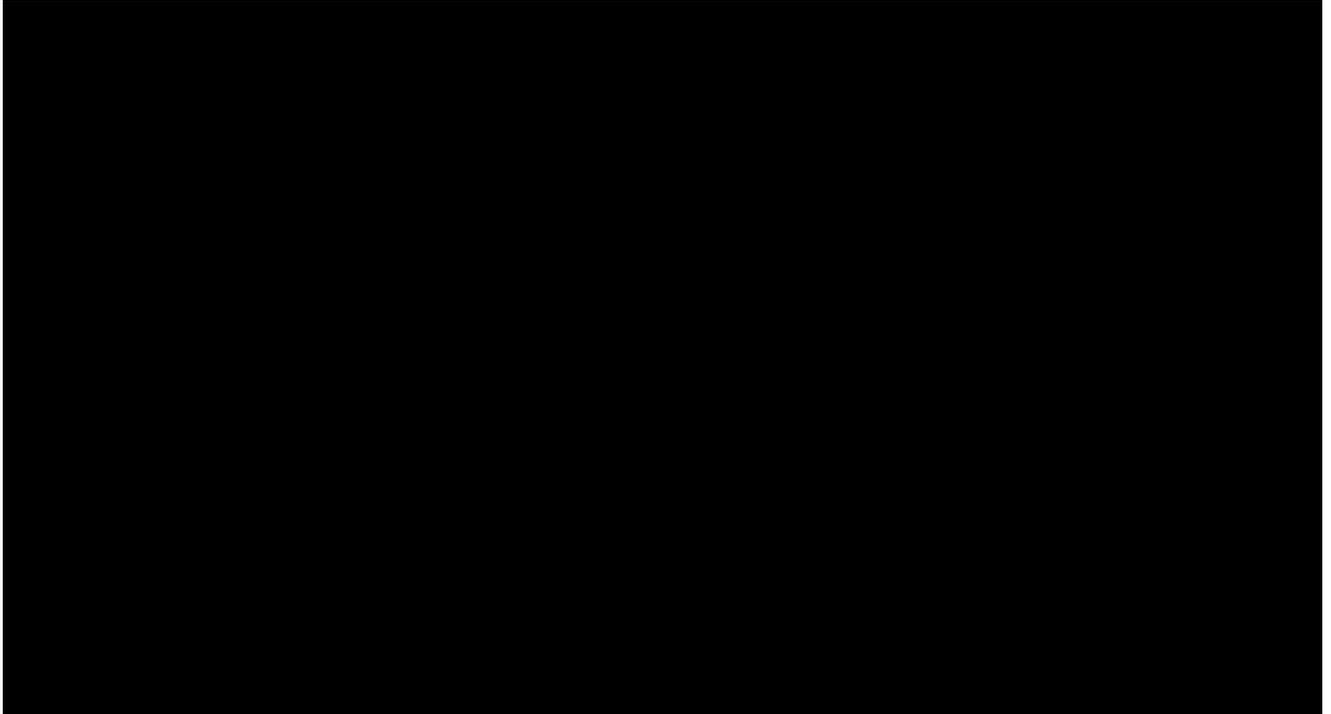
Lead Investigator	[Redacted]	Approval officer	[Redacted]
Disclosure Officer	[Redacted]	Prosecutor (For England and Wales)	[Redacted]

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A13 - Brief Executive Summary

(Provide short summary of facts and any enforcement actions taken to date)

This investigation commenced following receipt by ONR of incident notification Form (INF1 - 2019/452) from AWE Plc, on the 17th July 2019, detailing that a task-based contractor, Gully Howard Technical Limited, were performing Asbestos Containing Material (ACM) pre-demolition surveys and had accessed building [REDACTED] and its attached switch/fuse box room [REDACTED]. Within the switch/fuse box room was an electrical panel [REDACTED] where the electrical switchgear was energised on the incoming side. One of the Gully Howard Technical Limited operatives unintentionally created an arc flash (Near Miss) event when [REDACTED] attempted to remove a flash guard for asbestos sampling purposes with a chisel. There were two Gully Howard Technical Limited operatives, a Work Supervisory Officer (WSO), who was an asbestos surveyor and the second operative, who was also an asbestos surveyor, the second operative was the person who had the near miss.



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There were no injuries sustained during this event but the second Gully Howard Technical Limited operative attended the on-site Medical centre (██████ Medical Centre) as a precaution. The medical team assessed ██████, the second Gully Howard Technical Limited, operative and ██████ was confirmed fine and was subsequently released and left the site with the WSO.

AWE Plc had contracted Gully Howard Technical Limited to undertake a large project (consisting of phases 1 to 4) to complete pre-demolition surveys across the AWE Plc estate. The event happened in phase 4 of that project. Shortly after the event all Gully Howard Technical Limited work at AWE Plc estates was suspended.

The AWE Plc Facility Manager (FM) (██████) working on the day of the event was also been suspended after the event. At the time of writing this report Gully Howard Technical Limited are still not allowed back on site but the AWE Plc FM (██████) has been re-instated but in a different role at a different area of the site.

For noting, post-event action by AWE Plc includes:

- All survey work was suspended and an Abnormal Event (AE) raised;
- AWE Plc raised a site wide Amber alert (27th June 2019) Site Reference 1914; and immediately undertook a review verifying the status of all isolations across the AWE Plc Technology Centres, details of the outcome of the can be found in Letter Ref ONR111.093, (*Evidence Ref: ONR/AWE ██████/012 taken into evidence via witness statement number 4 from ██████*);
- A number of 'town hall talks' took place to staff about the event;
- Completion of an internal Investigation into the event, (*Evidence Ref: ONR/AWE ██████/001 taken into via witness statement number 1 from ██████*);
- Only specified persons, such as Senior Authorised Persons Electrical, now have access to switch rooms and are now also identified on the Work Coordination Centre (WCC) building logs;
- All closed building keys have been put under complete control of the Closed Buildings FM;
- Closed building procedures and isolation procedures had recently been revised and reissued.

(Further details on the above are in section B of this report)

No immediate post-event Enforcement action was taken by ONR because AWE Plc had made safe the building and was managing the follow up work appropriately to ensure no similar events could occur (See second bullet point above). Post follow up inquiries and prior to the decision to undertake an investigation ONR wrote to AWE Plc (*Letter ONR Ref: ALD71110Y, Evidence Ref: ONR/AWE ██████/011 taken into evidence via witness statement number 4 from ██████*), stating a response was required to cover both the actions AWE Plc has taken in response to all such findings from the survey (Amber Alert – 1914, see bullet 2 above) and any work that is still required to ensure longer term legal compliance.

(Further details on the above are in section B of this report)

Part B – Factual Report

B1 - Description of the facts and circumstances leading to the accident/event

This section should be confined to factual information, cross-referenced to relevant statements, documents, sketches or photographs. Provide a comprehensive account of the facts. Where conflicts of evidence exist do not comment on the merit of any particular version. Where appropriate, the account should be structured into sub-sections covering, for example:

- *Plant, equipment and substances*
- *Systems of work*
- *Training, instruction and supervision*
- *Risk assessment*
- *Outcome and consequences, e.g. extent of any injury*

Circumstances of Event:

On the 20th June 2019 two Gully Howard Technical Limited operatives arrived at AWE Plc to undertake asbestos surveys of a closed building in preparation for demolition on the Aldermaston site. AWE Plc contracted Gully Howard Technical Limited to undertake this work in 4 phases covering several buildings across its site. The event

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took place whilst Gully Howard Technical Limited were undertaking phase 4 of the overall contracted work package. Phase 1 – 3 had been completed without incident.

The Gully Howard Technical Limited operatives consisted of two asbestos surveyors ([REDACTED] and [REDACTED]), one of which was the WSO ([REDACTED]), both were familiar with the AWE Plc Aldermaston site, evidence of this is demonstrated in their statements (*witness statement 5 – [REDACTED]* & *statement 6 – [REDACTED]*), as they had already undertaken work from phases 1 to 3 of the overall work package, but they were not familiar with all buildings they were surveying in phase 4. On the day of the event the Gully Howard Technical Limited operatives arrived at AWE Plc, entered the site and proceeded to the WCC office upon where the WSO received the Work Authorisation Form (WAF) pack and signed it out. Once signed out the WSO was able to access the key Traka system and remove the keys for [REDACTED] (there were two keys, one for the main building entrance and one for the switch/fuse box room – see photo in Executive Summary previously for building layout). The Gully Howard Technical Limited operatives then met with their Emcor UK escort. Emcor UK are the facility management company AWE Plc use to manage their facilities at site. The escort and the Gully Howard Technical Limited operatives then drove to [REDACTED] .

Once at [REDACTED] , the escort stayed in the van and the Gully Howard Technical Limited operatives entered [REDACTED] by the main entrance where they made a preliminary internal assessment via a walk down. The Gully Howard Technical Limited WSO also flicked the light switch on and off to confirm there wasn't any live electricity in the building. The lights did not come on so the assumption, by the Gully Howard Technical Limited operative, was the building was electrically isolated, as the Gully Howard Technical Limited operatives believed it should be. They believed this because it was based on the discussions and agreement between Gully Howard Technical Limited and AWE Plc FM ([REDACTED]) at the beginning of phase 1 that all surveys Gully Howard Technical Limited are to carry out would be in the buildings that were closed and electrically isolated only (*witness statement number 9 – Second statement of [REDACTED]*).

The Gully Howard Technical Limited operatives then proceeded to put their Personal Protected Equipment (PPE) on and commence surveying the main part of the building. Once that was complete the second Gully Howard Technical Limited operative (*witness statement 6 – [REDACTED]*) left the building and walked around the outside and saw the [REDACTED] switch/fuse box room. The cabinet is an integral part of the main building so therefore Gully Howard Technical Limited operatives assumed the room to be part of the whole building asbestos survey. The key for the switch/fuse box room and the main building are different, so for the WCC to release both keys to the Gully Howard Technical Limited operatives reinforced the belief that the cabinet was to be included in the survey (*witness statement 5 – [REDACTED]*).

The second Gully Howard Technical Limited operative ([REDACTED]) unlocked the cabinet to the side of building [REDACTED] and the only apparatus in the switch/fuse box room was the fuse box but the investigation team could not establish if the fuse box door was open or opened by the Gully Howard Technical Limited operatives. [REDACTED] states that [REDACTED] has been to other similar boxes in other buildings and the boxes are sometimes left open and sometimes not all of these boxes have isolation tags on them (*witness statement 6 – [REDACTED]*). The Gully Howard Technical Limited WSO joined [REDACTED] and [REDACTED] does state that there was an isolation tag in/on this fuse box but both operatives believed the building to be electrically isolated. The investigation team could not determine if [REDACTED] removed the tag but when ONR undertook a visit to view the switch/fuse box room on the 11th September 2019, photos were taken and an ONR contact report of the visit was produced, (*Evidence Ref: ONR/AWE [REDACTED]/002 & ONR/AWE [REDACTED]/003 taken into evidence via statement number 1 [REDACTED]*). During the visit it was noted that the tag was in the fuse box and but not physically attached to the fuse box. Additionally, [REDACTED] (*witness statement 5 – [REDACTED]* and *witness statement 6 – [REDACTED]*) could not be certain if the tag was attached or loose in the fuse box.

The investigation team have established that even if [REDACTED] did remove the tag to get to the flash guard [REDACTED] did so because [REDACTED] believed the building to be electrically isolated. As stated in the WAF pack Safe System of Work (*Evidence Ref: ONR/AWE [REDACTED]/005 – statement 4 – [REDACTED]*) [REDACTED] then proceeded to use a chisel to unscrew the flash guard upon where the chisel touched a contact of the switch gear in the fuse box and created the arc flash event. A chisel was used in order to minimise fibre release of asbestos in line with HSE advice. [REDACTED] immediately dropped the chisel and the WSO checked [REDACTED] was ok, [REDACTED] said [REDACTED] was and thought [REDACTED] hadn't had an electric shock.

[REDACTED] does say in [REDACTED] statement (*statement 6 – [REDACTED]*) that after the event the tag was put back in place and the fuse box shut, the room locked and the Gully Howard Technical Limited operatives proceeded to return to the WCC to report the event and to return the keys and WAF pack. They reported the event to the deputy Facility Manager, the main Facility Manager ([REDACTED] was not present), whilst reporting to the deputy Facility

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Manager, [REDACTED], [REDACTED] is the Asset Operations Manager and Authority to Operate Holder – Zonal and Utilities over heard the conversation, [REDACTED] intervened and insisted the Gully Howard Technical Limited operatives attend the medical centre to be checked over. The Gully Howard Technical Limited operatives then attended the medical centre to have an expert assess them. The medical team assessed [REDACTED] and [REDACTED] was confirmed fine. Both Gully Howard Technical Limited operatives then left the AWE Plc site (*Evidence: witness statement number 5 & 9 [REDACTED] and statement number 6 [REDACTED]*)

Systems of Work (to include activity planning):

AWE Plc identified that there were several buildings at its Aldermaston site that were ready for demolition as part of the ongoing risk reduction activities at the site and requested a quote from Gully Howard Technical Limited to undertake asbestos surveys in the various buildings. The work was to be split into 4 phases which was planned to take place between January and July 2019. At a high level, to request the quote and planning the activities AWE Plc followed the steps in MSP AWE/MAN.Q/21/4414 (*Evidence ref: ONR/AWE [REDACTED]/001 – taken into evidence via Statement 1 - [REDACTED]*) Gully Howard Technical Limited provided AWE Plc the relevant documentation prior to each phase, the documents for phase 4 are (*Evidence ref: ONR/AWE [REDACTED]/001 to 004 – taken into evidence via statement 5 - [REDACTED]*) and detailed below:

ONR AWE [REDACTED]/001 - Risk Assessment and Method Statement (RAMS) for large Projects - Ref RA_GHT_GH4_QUO_02577- P2B8X4

ONR/AWE [REDACTED]/002 – Surveying Buildings for asbestos based materials - WI 03.00 Issue 11

ONR/AWE [REDACTED]/003 – Sampling of Bulk Materials WI - 02.00 Issue 5

ONR/AWE [REDACTED]/004 – Working with Asbestos WI - 01.00 Issue 5

Gully Howard Technical Limited were awarded the asbestos surveying contract and the more refined details of how Gully Howard Technical Limited would undertake their work was then managed between the Lead Gully Howard Technical Limited surveyor (WSO), [REDACTED] and AWE Plc zonal FM ([REDACTED]) (*witness statement 5 – [REDACTED] and Statement 7 – [REDACTED]*). Prior to Phase 4 the Gully Howard Technical Limited WSO sent [REDACTED] the Gully Howard Technical Limited generic risk assessment (*Evidence Ref: ONR/AWE [REDACTED]/001*), which [REDACTED] reviewed as part of approval to allow Gully Howard Technical Limited to undertake the work. [REDACTED] believed the risk assessment was fit for purpose and approved the work. I will cover the risk assessment below.

AWE Plc uses Management Systems Procedure (MSP) AWE/MAN.Q/21/4414 for control of work at AWE sites (*Evidence Ref: ONR/AWE [REDACTED]/001 – taken into evidence via Statement 1 - [REDACTED]*). Additionally there are annexes to the MSP that give more details about the Work Control Guidance (*Evidence Ref: ONR/AWE [REDACTED]/006*) and Work Task Authorisation Levels (*Evidence Ref: ONR/AWE [REDACTED]/005. taken into evidence via statement 3 of [REDACTED]*). (*I will cover more on these documents below.*)

Risk Assessment:

The Gully Howard Technical Limited risk assessment (RAMS) (*Evidence Ref: ONR/AWE [REDACTED]/001*) is owned by Gully Howard Technical Limited but requires input from AWE Plc to complete the various sections. Section G covers Electrical Hazards and covers control measures to protect against electrical hazards but the Gully Howard Technical Limited WSO believed that all buildings with electrical sources in them were out of scope of the Phase 4 work (*witness statement 9 - [REDACTED]*). In addition to this [REDACTED] e-mailed [REDACTED] on September 2019 requesting specific information on building hazards as [REDACTED] was unfamiliar with all the facilities (*Evidence Ref: ONR/AWE [REDACTED]/004 taking in evidence via Statement 2 – [REDACTED]*). I asked AWE Plc to provide me with the replay e-mail to [REDACTED], as to the status of the buildings and their hazards, AWE Plc could not find the response, (*Ref: ONR/AWE [REDACTED]/013, taking in evidence via Statement 4 – [REDACTED]*).

The Gully Howard Technical Limited risk assessment contains hold points for hazards and one of those is an electrical hazard hold point that work should stop and that an AWE Plc Authorised Person (Electrical) should sign off the hold point for work to commence. This hold point was not followed by the Gully Howard Technical Limited operatives; they stated that the hold point was not followed because they believed the building to be dead (*witness statement 9 – [REDACTED]*). For the [REDACTED] survey the Gully Howard Technical Limited WSO thought that all buildings had no live electrical sources in them as stated in the Safe System of Work (*Evidence Ref: ONR/AWE [REDACTED]/005 – statement 4 – [REDACTED]*), but the AWE Plc Zonal FM ([REDACTED]) was aware that [REDACTED] had live terminals on the incoming side to the switch gear in fuse box in the switch/fuse box room (*witness statement 7 - [REDACTED]*).

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AWE Plc use a WAF pack, which for the work on the day of the event contained the WCC cover note (Evidence Ref: AWE/ONR/██████████/004 – taken into evidence via statement 4 – ██████████), the Gully Howard Technical Limited risk Assessment (Ref: ONR/AWE/██████████/001 – taken into evidence via statement 5 – ██████████) and WAF form (Evidence Ref: ONR/AWE/██████████/002 – taken into evidence via statement 4 – ██████████) the Closed Building register (Evidence Ref: ONR/AWE/██████████/001 – statement 4 – ██████████) and and Safe system of Work (SSoW) (Evidence Ref: ONR/AWE/██████████/005 – statement 4 – ██████████)

AWE Plc uses the Closed Building register to show the buildings with electrical sources in them. ██████████ is identified on the register as having an electrical source but only marked with an X in a box against the building number; there wasn't any commentary alongside the X in the matrix, this was in the WAF pack. The AWE Plc FM (██████████) was aware of the electrical source in ██████████ and its isolation point (Evidence Ref: witness statement number 7 – ██████████). The Gully Howard Technical Limited operatives believed none of the buildings on the asbestos surveying list had live connections (Evidence Ref: statement 9 – ██████████) so did not review the WAF pack in any detailed when they collected and signed it out.

Additionally the AWE Plc FM (██████████) signed of the Safe System of Work (SSoW) sheet (Evidence Ref: ONR/AWE/██████████/005 – taken into evidence via statement number 4 – ██████████) which clearly states against bullet point 3 in the SSoW that the "Power was isolated and disconnected". This was the case but only from the outgoing side of the fuse box (feeding into the main building); the incoming side was still live. The information added to the Safe System of Work form was therefore incorrect.

The closed building register and the SSoW contradict each other but the AWE Plc FM (██████████) was aware of the electrical isolation status in ██████████. There was no verbal communication of the isolation status to the Gully Howard Technical Limited operatives in a pre-work brief from the AWE Plc FM (██████████), additionally the Gully Howard Technical limited operatives did not stop and clarify the status of the building, after looking at the closed building register, instead there was a reliance on the WAF pack process and the detail in the SSoW as the main source of communicating the electrical hazard between parties, this failed. Since the event AWE Plc has updated its closed register procedures (Evidence Ref: ONR/AWE/██████████/024 – taken into evidence via statement number 5 – ██████████).

The WCC is an integral part of the control of AWE Plc direct labour and contractors on the site. The WCC manage all key releases for buildings and release the WAF packs. During the investigation the ONR investigation team spent time in the WCC office and witnessed a significant amount of people coming and going to the point where there is no room for people to stand at the WCC counter at peaks times. AWE Plc direct labour or contractors, have to sign a log in the WCC (Evidence Ref: ONR/AWE/██████████/007 – taken in evidence via witness statement number 3 – ██████████) before they can undertake their work. Whilst the process of signing the log is in place, WCC staff does not routinely interact with the person/s taking the pack other than both parties signing the log (witness statement 3 – ██████████).

Plant:

With regards the isolation of ██████████ the investigation team established that there was an isolation tag (witness statement 5 – ██████████ & witness statement 6 – ██████████) in the fuse box and there was also an isolation certificate in the fuse box. When the investigation team visited the site and photos' were taken (Evidence Ref: ONR/AWE/██████████/003 taken into evidence via statement number 1 – ██████████) the investigation team confirmed the presence of a tag in the fuse box and the certificate of isolation but the isolation certificate in the fuse box was faded and not readable so AWE Plc subsequently provided a copy that was readable (Evidence Ref: ONR/AWE/██████████/003 taken into evidence via statement number 4 – ██████████). The certificate showed the building is isolated but the detail on how it was isolated is not clear; there is a simple statement saying: 'supply within the building isolated'.

Additionally the switch/fuse box door has a sign on it that only 'authorised persons to enter'. The Gully Howard Technical Limited operatives were provided the key to the switch/fuse box room so technically were authorised to enter the room by being given the key by the WCC office. This is out with AWE Plc's procedures because only Electrical SQEP persons should be given keys to building with electrical sources. Since the event AWE Plc has updated its isolation procedures (Evidence Ref: ONR/AWE/██████████/025 – taken into evidence via statement number 5 – ██████████).

Additionally, the tag in the fuse box is a simple isolation tag, there is nothing specific to say it is an electrical isolation tag. It does say that only authorised persons are to remove it and there is minimal detail about the isolation, other than it is isolated because it is a closed building. As stated previously the investigation team had

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not be able to establish if the tag was attached to the fuse box or just in the vicinity of the box, therefore the investigation team cannot say if the Gully Howard Technical Limited operative cut the tag off or not. The investigation team did not find any evidence that the fuse box was secured (tag attached and fuse box shut) by AWE Plc prior to the event.

Pictures of [REDACTED] can be found at (*Evidence Ref: ONR/AWE [REDACTED]/003*). There are various buildings at the AWE Plc Aldermaston site whereby the switch/fuse box room are separated from the main buildings they supply. In the case of [REDACTED] it can be clearly seen that the switch/fuse box room is an integral part of the building. This is important to understand because the asbestos survey was for the whole building, and so the Gully Howard Technical Limited WSO believed that meant the switch/fuse box room as well as the main building.

There are two keys to gain access, one for the main building and the second for the switch/fuse box room. If the survey was just for the main building the keys for the switch/fuse box room should not have been issued. The investigation team was not able to find out definitively why both keys were released. The AWE Plc FM ([REDACTED]) was not able to explain why both keys were issued to Gully Howard Technical Limited. Also [REDACTED] did not have any reason to believe [REDACTED] owned the key for the switch/fuse box room in the first place, they should be owned by an Electrical SQEP person (*witness statement 7 - [REDACTED]*) but the process for releasing the keys is granted by the AWE Plc FM ([REDACTED]) sending an e-mail to the WCC, according to AWE Plc's process (*Evidence Ref: ONR/AWE [REDACTED]/007, Work Control Guidance, AWE/MAN.Q/21/3238 Issue 3, Dated May 2018 taken into evidence via witness statement number 3 - [REDACTED]*). The investigation team was not able to find any e-mails from the AWE Plc FM ([REDACTED]) to the WCC to release the keys.

As part of the investigation ONR undertook an intervention whereby the voltage was measured at the point where the Gully Howard Technical Limited operative's chisel connected with the live terminal. This intervention and supporting pictures and equipment calibration certificates were recorded, (*Evidence Ref: ONR/AWE [REDACTED] 010, ONR/AWE/[REDACTED]/015, ONR/AWE [REDACTED]/016, ONR/AWE [REDACTED]/017, taken into evidence via statement number 4 - [REDACTED]*). The evidence gathered confirmed the voltage was the same as was reported by AWE Plc to ONR at the time of the event (415V). After the voltage measurement was taken I asked the ONR Electrical Specialist who oversaw the test, what the potential harm could have been from that kind of voltage, [REDACTED] responded to me on the 3rd December 2019 stating that contact with the supply could have been potentially fatal. Further details are at Evidence, (*Evidence Ref: ONR/AWE [REDACTED]/018, taking into evidence via statement number 4 - [REDACTED]*).

Since the event AWE Plc have requested, from ONR, when the investigation is complete can they be permitted to disconnect the supply to [REDACTED]. ONR had no objection to this activity once the investigation was complete (*Evidence Ref: ONR/AWE [REDACTED]/019 taking into evidence via statement number 4 - [REDACTED]*).

Post the event AWE Plc undertook a survey of isolations across the site, during that survey it was found that there were some master keys for switch rooms/cupboards and plant rooms that were not controlled and recorded by the key TRAKA system. AWE Plc subsequently issued a site wide Amber alert about the missing keys. (*Evidence Ref: ONR/AWE [REDACTED]/026, taking into evidence via statement number 5 - [REDACTED]*).

Control of Operations

AWE Plc use a document called Work Task Authorisation Levels (TAL) (*Evidence Ref: ONR/AWE [REDACTED]/005, taken into evidence via Statement number 3 - [REDACTED]*) and it applies to all work tasking and workplaces under control at AWE Plc. The task being undertaken when the event took place was assigned Task Authorisation Level 2 (TAL2) (*Evidence Ref: ONR/AWE [REDACTED]/002, taken into evidence via witness statement number 4 - [REDACTED]*). Appendix 2 of that document sets out the level of supervision, TAL 2 states that all staff undertaking the task is briefed and competent and familiar with the area of work. Gully Howard Technical Limited operatives were not briefed at the beginning of the job and were competent in asbestos surveying only (*witness statement 5 - [REDACTED]*) and were not fully sure of the facility status (See section one of Risk Assessment above – Gully Howard Technical Limited e-mail to AWE Plc FM ([REDACTED])). Additionally TAL 2 provides guidance of some documents that can be included in the WAF pack, one of those could have been the Isolation certificate, and it was not. The TAL 2 also refers to the Safe System of Work (SSoW) several times but the SSoW for this task said the building was disconnected and the Closed Building register gave minimal information, simply saying there was an electrical source present in [REDACTED].

The Gully Howard Technical Limited operatives were Suitably Experienced Qualified Persons (SQEP) to undertake asbestos surveying (*witness Statements 5 - [REDACTED] and 6 - [REDACTED]*) but were not electrically qualified persons. [REDACTED] and [REDACTED] could recognise electrical junction boxes from their experience

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at site and [REDACTED] is familiar with isolations tags. On previous jobs [REDACTED] had been informed of live electrical works present so therefore [REDACTED] assumed the AWE Plc FM ([REDACTED]) would have communicated to the Gully Howard Technical Limited operatives on the day of the event if there were live electrical sources in [REDACTED]. In addition the Gully Howard Technical Limited operatives should not have been allowed the keys to access the switch/fuse box room because there were live terminals present and it's reasonable to expect that the AWE Plc FM ([REDACTED]) should have communicated the information about switch/fuse box status. The poor communication can possibly be attributed to the work load of the AWE Plc FM, because at the time of the event [REDACTED] was managing circa 300 facilities on [REDACTED] own due to staff shortages.

The AWE Plc FM ([REDACTED]) further believed that the Gully Howard Technical Limited WSO was briefed at Phase 1 (January 2019) by the AWE Plc Senior Authorised Person (Electrical) SAP (E) (*witness statement 7 - [REDACTED]*). This is supported by the Gully Howard Technical Limited WSO (*Witness statement 9 - [REDACTED]*) who says [REDACTED] did meet with an AWE Plc Electrical Engineer describing which buildings were live and dead, but then it was agreed with the AWE Plc FM ([REDACTED]), that for subsequent phases the electrical surveys would be complete and all further buildings worked upon would be closed and electrically dead. The investigation team were not able to find any evidence that facility walk downs were undertaken at any of the phase of the work. There was poor communication between the AWE Plc FM ([REDACTED]) and the Gully Howard Technical Limited WSO on the day of the event. The AWE Plc FM ([REDACTED]) was aware of the electrical isolation but apart from Phase 1, a full 6 months before the event on the 20th June 2019, a pre- work brief with the building status and thus electrical hazard was not given. The AWE Plc FM ([REDACTED]) believed there was no need for a walk down or pre-work brief (*witness statement 7 - [REDACTED]*) because there was no hazard but there clearly was. As previously stated, [REDACTED] e-mailed [REDACTED] in September 2019 requesting specific information on building hazards (*Evidence Ref: ONR/AWE/[REDACTED]/004*).

Whilst interviewing the AWE Plc FM ([REDACTED]) [REDACTED] also stated that [REDACTED] believed the Gully Howard Technical Limited survey did not include the electrical switch/fuse box room (*witness statement 7 - [REDACTED]*), but when [REDACTED] met with [REDACTED], the Asset Operations Manager and Authority to Operate Holder – Zonal and Utilities, and [REDACTED] line manager post the event, [REDACTED] stated [REDACTED] thought it was in scope but not the fuse box itself (*Evidence Ref: statement number 2 - [REDACTED]*). Gully Howard Technical Limited were contracted to complete whole building surveys. The switch/fuse box room was part of the main building (*see plant above for picture references*) so therefore was within the whole building scope. The lack of understanding of the scope of work Gully Howard Technical Limited was to undertake by the AWE Plc FM ([REDACTED]) could be attributed to his workload, which was higher than normal. The Gully Howard Technical limited RAMS (*Evidence Ref: ONR/AWE/[REDACTED]/001 - taken into evidence via statement 5 - [REDACTED]*) states access to undertake surveys in all areas. The AWE Plc FM ([REDACTED]) signed onto this.

Whilst interviewing [REDACTED], (*witness statement 2 - [REDACTED]*) I asked about how AWE Plc oversee's the work of their FM's. [REDACTED] stated that all FM and their deputies have an obligation to undertake Risk Based Inspections in their areas on a bi-monthly basis. This is undertaken at a more granular level than the senior management walk through and is again documented on FOR@action. Additionally [REDACTED] undertakes senior management walk through on a monthly basis and again this is tracked via AWE Plc's FOR@action systems

As part of the investigation AWE Plc provided me 4 examples from the FOR@action systems whereby Risk Base Inspections had taken place, not in the [REDACTED] facility but others. The examples provided were 3 for [REDACTED] ([REDACTED]) and 1 for [REDACTED] ([REDACTED]), (*Evidence Ref: ONR/AWE/[REDACTED]/014*) taking into evidence via statement number 4 - [REDACTED]). There no anomalies found with the inspections.

All witness statements and evidence are recorded in the ONR Investigation Material Collection Spreadsheet, Ref: CM9 2019/218082.

Outcome and Consequences

Outcome - An operative from Gully Howard Technical Limited was exposed to live electricity.

Consequences - An operative from Gully Howard Technical Limited was involved in an electrical arc flash near miss event that could have led to [REDACTED] death or serious personal injury.

B2 - Preventative measures taken by the duty holder(s) BEFORE the incident (*Describe the health and safety risk control arrangements before the incident*)

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There is evidence that:

- Gully Howard Technical Limited had a Risk Assessment and Method Statement for large projects – the focus being on Asbestos surveying.
- AWE Plc has Management System Procedures for planning and control of work being undertaken by Direct Employee's and/or Contractors.
- AWE Plc has Management System Procedures for Control of Work through the WCC office.
- There is a certificate of isolation for [REDACTED].
- There is a Safe Systems of Work (SSoW) document that has to be signed by the AWE Plc FM prior to work being undertaken.
- The switch/fuse box room had an isolation tag in it and the access door had a sign that entry was only for authorised persons.

B3 - Health and safety management (Where appropriate and to the extent not covered above, describe the health and safety management system before the incident, including any arrangements between duty holders that are relevant to the investigation)

For noting as background: [REDACTED] was disconnected at the main incomer switch in approximately 2017. An Asset Change Request (ACR) was raised to fully disconnect the supply, but it became apparent it was jointed underground to the neighbouring building. The decision was made at that point that the ACR would be closed and the isolation made at the incoming switch. This decision was made jointly by the AWE Plc zonal FM ([REDACTED]) and [REDACTED] line manager, [REDACTED] as Asset Change Board (ACB) chair and ACR final close out signatory. This was due to insufficient funds and the fact that the isolation method was not deemed as inherently unsafe at the time (witness statement 7 - [REDACTED]). With various buildings moving into the pre-demolition phases it would not have been unreasonable for AWE Plc to reduce the electrical hazards further by undertaking a programme of work to completely isolate those buildings scheduled for asbestos surveys.

B4 - Preventative measures taken by the duty holder(s) AFTER the incident (Describe the measures taken post event to secure compliance. State where measures taken resulted from ONR intervention (including enforcement action))

There is evidence that:

- The AWE Plc zonal Facility Manager has been moved to a different role;
- All Gully Howard Technical Limited work suspended by AWE Plc and had no further access to site;
- All phase 4 work was stopped and access to closed buildings denied;
- A new process for Key Release from the WCC is in place (warning signs on all key cabinets), all AWE Plc direct staff and/or contractors now have to report to a WCC staff member before leaving the office with the keys;
- Physical verification of all electrical isolations in closed buildings throughout the site has been undertaken;
- Only specified persons (such as Senior Authorised Persons Electrical) now have access to buildings; with electrical sources, these are identified on the WCC building logs;
- Closed building procedures and isolation procedures had recently been revised and reissued.

AWE Plc is also looking at actions from their internal report to be completed in 2020 (Evidence Ref: ONR/AWE [REDACTED] 001).

At the time of writing this report Gully Howard Technical Limited are undertaking an internal investigation themselves and have identified lessons learned. ONR have not been provided with a copy of their investigation report so cannot comment on what improvements they have recognised to date.

B5 - Health and safety management changes AFTER the incident (Describe any changes not covered above, stating where they resulted from ONR intervention (including enforcement action))

See Section B4 above

Part C – Analysis of Compliance

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(A separate analysis should be completed for each duty holder where appropriate)

C1 - Inspector's conclusions as to causation (Describe immediate and underlying causes. Give details of any wider learning issues for ONR)

Immediate Cause :

- Work on or near electrical equipment was not adequately controlled by the Safe System of Work in that a Gully Howard Technical Limited operative was allowed access to the switch/fuse box room of [REDACTED] where [REDACTED] proceeded to try to remove a flash guard as part of an asbestos survey, when the chisel [REDACTED] was using came into contact with live terminals that were not isolated in the fuse box.

Underlying Causes:

- Gully Howard Technical Limited operatives believed there was no live electricity in [REDACTED].
- AWE Plc failed to fully inform Gully Howard Technical Limited operatives of electricity in [REDACTED].
- Gully Howard Technical Limited operatives were granted access to a locked electrical cabinet with live electrical terminals in it. .
- The Gully Howard Technical Limited operatives did not adhere to warning signs and isolation tag.
- The AWE Plc FM believed the scope of asbestos survey work Gully Howard Technical Limited was to undertake did not cover the switch/fuse box room.
- The AWE Plc zonal FM did not provide a pre-work brief to the Gully Howard Technical Limited operatives or supervise their work, relying more on the WAF pack information process.
- At the time of the event the AWE Plc zonal FM was also supervising several other zones with circa 300 buildings to oversee, so his workload was more than usual.
- The Gully Howard Technical Limited operatives did not follow their hold point control process in their Risk Assessment (RAMS) and adhere to warning signs because they believed closed buildings had no live electrics in them.

Root Cause:

- Poor communications from AWE Plc FM to Gully Howard Technical Limited on the electrical status of [REDACTED] in that the AWE Plc FM new the building wasn't fully isolated but did not pass that information on.
- An inadequate AWE Plc Safe System of Work for the task being undertaken, in that it stated there was no hazard and the power was isolated and disconnected.
- Failure of the AWE Plc key control process, in that Gully Howard Technical Limited were issued the keys to enter the switch/fuse box room that had live electrical terminals in it.

C2 - Legal provisions (List the relevant legal provisions)

- Health and Safety at Work Etc. Act 1974, Section 3(1), AWE Plc, AND
- Electricity at Work Regulations Regulation 1989 – Regulation 14 – Work on or near live conductors, AWE Plc, AND
- Health and Safety at Work Etc. Act 1974, Section 2(1), Gully Howard Technical Limited.

C3 - Application of the law For each of the relevant legal provisions listed above, discuss which have, in your opinion, been breached. Include comment on the following as appropriate:

- Foreseeability of the risk and reasonable practicability of effective preventative measures.
- Relevant standards and their source (eg ACoP, BS/EN standard, published ONR/HSE or industry guidance).
- Relevant case law.
- The effectiveness of control measures and management arrangements prior to the incident/investigation.
- The nature and extent of the breaches – how far below the expected standard the duty holder fell and whether the breach was an isolated occurrence.

Fatals

- Confirm Primacy lies with ONR and has been formally passed by police (refer to any handover document from police/CPS).
- When considering the extent of the breach(es), comment on culpability of the duty holder in terms of the death ie whether the breach(es) contributed significantly to, or was a substantial cause of the death (refer to any views of the police/CPS).

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The Health and Safety at Work Act 1974 Section 3 (1) for AWE Plc

The Health and Safety at Work Act 2074 Section 3 (1) applies because:

- AWE Plc is an employer
- AWE Plc is responsible for maintaining and manufacturing weapons for the Ministry of Defence, an “undertaking”.
- Part of the “undertaking” involved plans to demolish buildings within the AWE Plc Aldermaston site.
- To facilitate this part of the “undertaking” AWE Plc hired contractors Gully Howard Limited Technical to survey buildings on site for asbestos prior to demolition.
- [REDACTED] and [REDACTED] were not employed by AWE Plc, but were working for Gully Howard Technical Limited to conduct the asbestos surveys, and were ‘affected thereby’ by AWE Plc ‘undertaking’.

Reasonable Practicability for S3(1)

AWE Plc failed to comply with S 3(1) because AWE Plc, as an employer, failed to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment, namely [REDACTED] and [REDACTED], who may be affected thereby are not thereby exposed to risks to their health or safety. The evidence collected during this investigation shows that:

It was reasonably practicable for AWE Plc, prior to the work taking place, to completely isolate [REDACTED]. AWE Plc is now planning to isolate the building and is reviewing their policy for isolating buildings from the utilities networks.

- AWE Plc failed to brief the Gully Howard Technical Limited Operatives on the status of isolation and the associated dangers of the live terminals in [REDACTED]. It would have been reasonably practicable for AWE Plc to brief the Gully Howard Technical Limited Operatives. A brief was given at the planning for Phase 1, 6 months before the event on the 20th June 2019 and at that brief the Gully Howard Technical Limited Operatives were informed only closed buildings would be in the scope of work for all phase, i.e. electrically isolated buildings. A brief 6 months prior to the event is inadequate regardless of the status of the buildings. Additionally the Safe System of Work did not represent the correct electrical status of the building.
- AWE Plc failed to maintain key control of [REDACTED] and to prevent access to building with live terminals. It would have been reasonably practicable for AWE Plc to maintain key control to prevent access to live terminals. AWE Plc has now implemented a more robust key control process within the WCC whereby contractors have to report to a WCC person before they can leave the office with the keys. Additionally keys for buildings with electric sources can only be released by a Suitably Qualified Electrical Person.
- AWE Plc failed to maintain key control of [REDACTED] prior to understanding the exact nature of asbestos surveying work. It would have been reasonably practicable for AWE Plc to maintain key control of [REDACTED] until they understood the exact nature of work to be undertaken. AWE Plc has now instigated measures to ensure Safe System of Works are adequately reviewed and are reviewing the process to ensure tasks are suitably scoped by themselves and understood by their contractor at handover.

Relevant Standard

HSG65 – ‘Managing for Health and Safety’ - 3rd Edition 2013, (First Published 1991).

Electricity at Work Regulations 1989 for AWE Plc

The Electricity at Work Regulations 1989 applies because:

- AWE Plc is an employer and the management of [REDACTED] ‘relates to matters which are within his control’ as defined in Regulation 3(1) (a) of Electricity at Work Regulations 1989, therefore the duties within the Regulations apply to AWE Plc.

Electricity at Work Regulations 1989 Reg 14 – Working on or near live conductors for AWE Plc

Electricity at Work Regulations 1989, Regulation 14 applies because:

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- [REDACTED] and [REDACTED] were conducting a 'work activity' (asbestos survey) near a 'live electrical terminal'.
- There remained 'live conductors' within [REDACTED] as defined in Reg 2(1) of Electricity at Work Regulations AWR 1989. Evidence that 415v was present was recorded by ONR Electrical Specialist Inspector (date of recording: 28 October 2019).
- Danger (defined as the 'risk of injury' in Electricity at Work Regulations Reg 2(1)) could arise because of the risk of contact with an uncovered live conductor carrying 415v.

EAWR Reg 14

- AWE Plc has an **absolute duty** to maintain effective control of any area where there is danger from live conductors. AWE Plc has now embargoed all closed buildings and access is restricted to only Suitably Qualified Electrical Persons.

Relevant Standard

HSR25- "Electricity at Work Regulations 1989, Guidance on Regulations - 3rd Edition 2015 (First published 1989) and

Foreseeability

This incident was foreseeable because:

- The risks of the dangers of contact mains voltage are well known. The EAW Regs have been in place since 1989.
- AWE Plc had controls in place to stop an incident such as this from occurring (e.g. key control) so AWE Plc would have been aware of the risk of this type of incident occurring – a foreseeable risk. The controls that they put in place failed in this instance.
- AWE Plc had a Safe System of Work that highlights hazards in their facilities – The Safe System of Work failed in this case because the wrong information was on it.

Applicable Case law

R v Chargot Limited (t/a Contract Services) and others (Appellants) 2 All ER 645. (2009) - Sections 2 and 3 set out the general duties and all the prosecution have to prove is that the results described were not achieved. Once done - the onus on is on the defence to prove that they did all that was reasonably practicable to prevent that result. Under Section 2 where a person sustains an injury at work - the facts will speak for themselves - he has failed to ensure that person's health and safety (otherwise there would have been no accident). Where there has not been such an injury the prosecution will have to identify and prove the respects in which there was a breach of duty. Under Section 3 the risk must be identified and even where there is an injury, the prosecution will still have to prove the respects in which the injured person was liable to be affected by the conduct of the undertaking. See above where AWE Plc undertaking is discussed along with the discussion of the risk that [REDACTED] was exposed to.

R v Board of Trustees of the Science Museum {1993} 3 All ER 85 - Defined risk as bearing its ordinary meaning in the context of the term "risks to health and safety" thereby denoting the possibility of danger rather than actual danger. Although there was no injury in this case, as discussed above, [REDACTED] was exposed to the risk of serious danger.

R v Associated Octel Ltd. 4 All ER 846: [1996] - For section 3 purposes the word "undertaking" is an ordinary word which means "enterprise" or "business". Can the activity in question be described as part of the employers undertaking is a question of fact although the location of the activity will be relevant. See 'application of HSWA S.3' above for discussion of AWE Plc undertaking.

The Health and Safety at Work Act 1974 Section 2 (1) for Gully Howard Technical Limited

The Health and Safety at Work Act 2074 Section 2 (1) applies because:

- Gully Howard Technical Limited is an employer

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- [REDACTED] and [REDACTED] are employees of Gully Howard Technical Limited

Reasonable Practicability for S2(1)

Gully Howard Technical Limited is seen not to be at fault in the event of the 20th June 2019 and therefore this section does not apply but the investigation does recognise the operatives could have done more to ensure their own safety.

The investigation has identified that the Gully Howard Technical Limited operatives could have done more to ensure their own safety on seeing the door warning sign and then the tag (the investigation has not establish if the tag was secured to the fuse box or not, or if the box was shut or open) and the Closed Building register, by stopping work and perusing AWE Plc for more information about the hazards in the building, but there is no evidence, and it would be disproportionate, to support a charge against Gully Howard Technical Limited in this instance. The reason being all evidence shows that access to building [REDACTED] was fully under the control of AWE Plc and its Facility Management/WCC teams and that evidence supports that Gully Howard Technical Limited believed all buildings to be surveyed were electrically dead.

The Police and Criminal Evidence Act 1984 (PACE)

Investigation into the Electrical Near Miss event at AWE Plc Contamination Event on the 20th June 2019.

A letter, dated 22nd December 2019 (*Evidence Ref: ONR/AWE [REDACTED] 020*), was sent from ONR to AWE Plc inviting them to send a representative to attend an interview under caution to further investigate the Electrical Near Miss Event that took place on the 20th June 2019. AWE Plc responded on the 10th December 2019 (*Evidence Ref: ONR/AWE [REDACTED] 021*), stating they would not attend the interview and the most efficient approach to provide the information ONR requested was in the form of a statement. AWE Plc Ltd provided that statement on the 31st January 2020 (*Evidence Ref: ONR/AWE [REDACTED] 023*). ONR has now reviewed that statement are content it has addressed the areas set out as stated above in my original letter. The above references were taken evidence via witness statement of the Lead Investigator (*Evidence - Witness Statement_5 on the 6th February 2020 [REDACTED]*): page 1.

C4 - Evidential sufficiency (*Comment upon the admissibility of prosecution evidence, its weight, any conflicts of evidence, the reliability of witnesses, the results of any PNC checks completed at this stage, an assessment of any expert evidence obtained and any other matters that could affect the strength of prosecution evidence presented in court. Cross refer to the evidence matrix where appropriate.*)

All witnesses are reliable

All evidence is primary (no reliance on hearsay etc.)

All evidence collected in this case is considered admissible and is recorded on the ONR Material Collection Spreadsheet (*CM9 Ref - 2019/218082*) as are the voluntary witness statements. The evidence is corroborated by more than one witness or other company documents.

All hard copy evidence and witness statements are securely stored at ONR's Cheltenham office.

C4 - Possible lines of defence (*Include any relevant case law*)

AWE Plc may wish to use the following areas as a defence. However, it is my judgement that these are not lines of defence but potential mitigation and do not undermine the strength of this case for the reasons given:-

- 1) AWE Plc may apportion significant blame on the Gully Howard Technical Limited operatives because they entered the Switch/Fuse box room – *AWE Plc provided keys for access, thus authorising access.*
- 2) AWE Plc may apportion significant blame on the AWE Plc FM in charge of the work oversight, because he was in control of key release – *AWE Plc WCC process released the keys for access and did not support the FM with his increased workload.*
- 3) ONR did not take any formal action following the event – *No immediate post-event Enforcement action was taken by ONR because AWE Plc had made safe the building and was managing the follow up work appropriately to ensure no similar events could occur and additionally undertaking a site wide survey off*

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all electrical isolations in closed building and It should be noted AWE Plc delayed telling ONR about this event.

- 4) AWE Plc may apportion blame on Gully Howard Technical Limited for removing of isolation tags and entering the switch/fuse box room – *AWE Plc authorised access by releasing the keys and stating in Safe System of Work the building was isolated.*
- 5) AWE plc may imply that Gully Howard Technical Limited should have their owe Safe System of Work on/near electrical equipment – *AWE Plc should provide this as the controlling mind and knowing their facilities.*

C5 - Material satisfying the disclosure test *(You must draw attention to all material, whether used or unused, which has the potential to undermine the prosecution case or assist the defence)*

Non Identified

C6 - Relevant previous enforcement and advice by ONR *(Provide details including inspection and enforcement history (letters, notices, prosecutions). Indicate where consideration could be given to using evidence of bad character. Refer to TRIM etc. reports where appropriate)*

ONR enforcement letter (CM9: 2016/160985) with regards ONR investigation into electric shock incident at the Aldermaston site on 30 October 2015. Action taken:- at the time, ONR decided not to take further enforcement action against AWE Plc other than this letter and it should be noted that part of the reason not to take further action was the prompt response to secure improvements as demonstrated by the area local to incident.

ONR enforcement letter (CM9: 2017/231287) with regards ONR investigation into the low voltage (upto 1000v) cable strike incident at the old waste management group on the Aldermaston site on 27th June 2016. Action taken:- After careful consideration of the evidence found during this investigation and AWE Plc response to the formal investigation, ONR would not be laying Information's against AWE Plc or any other dutyholder involved in the incident in that instance. However, as the investigation found that working practices were not acceptable for a nuclear site Licensee in control of demolition activities, this regulatory decision will be revisited if there are any similar events, or other events with similar causes in the future. This means that this event could be considered as a previous shortfall when considering enforcement options, including prosecution, in any future events through the application of ONR's Enforcement Management Model.

ONR prosecution of AWE Plc (CM9 Folder 4.4.1.3662) with regards the [REDACTED] Electrical Flashover event in June 2017. Prosecution details:- On or before the 27th June 2017, being an employer within the meaning of the Health & Safety at Work etc. Act 1974 ("the Act"), AWE Plc failed to discharge the duty imposed upon them by Section 2(1) of the Act, in that they failed to ensure, so far as was reasonably practicable, the health and safety of their employees, in relation to the risks arising whilst undertaking electrical work, whereby AWE Plc are guilty of an offence contrary to Section 33(1) (a) of the Act. AWE Plc was fined £1 million.

C7 - Duty holder's attitude *(Comment on the attitude of the duty holder towards health and safety management, the incident and ONR including whether the duty holder co-operated with the investigation. Where not stated above, give the duty holder's explanation for any contravention(s)).*

During the investigation the AWE Plc and Gully Howard Technical Limited staff co-operated fully, particularly those that provided voluntary statements.

C8 - Views of injured persons (IP(s)) or bereaved relative(s), where applicable *(Include reference to any Victim Personal Statements obtained)*

N/A – no persons were injured as the result of this Electrical Near Miss Event.

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C9 - Any other aggravating, mitigating or other relevant factors (Indicate any additional aggravating, mitigating or other factors not already identified above. Indicate any further Public Interest factors not identified in the preceding sections. Refer to the Enforcement Policy Statement (paragraph 39), the CPS Code for Crown Prosecutors (England and Wales) and the Howe judgement)

Reporting of the Event

This investigation commenced following receipt by ONR of incident notification Form (INF1 - 2019/452) from The AWE Plc, on the 17th July 2019.

Before the INF1 was received, the ONR AWE nominated site inspector received a text from [REDACTED], [REDACTED] on the 26th June 2019, stating an electrical event had happened but the tone of the text did not imply any urgency, yet on the Monday after the event, the 24th June 2019, [REDACTED] (AWE Plc's Chief Operating Office) requested a meeting with key AWE Plc personnel and the Gully Howard Technical Limited WSO at [REDACTED] to discuss what had happened (Evidence: witness statement number 5 - [REDACTED] and witness statement number 7 - [REDACTED]).

The event took place on the 20th June 2019 but formal notification to ONR did not happen until the 17th July 2019. Because of the potential significance of the Near Miss AWE Plc did not report this in a "Timely Manner" to ONR. During ONR's initial inquiries (ONR Ref: ONR-OFD-CR-19-303, CM9 2019/211826) AWE Plc explained they were disappointed with the delay in reporting the event and were trying to establish how this happened. At the time of writing this report no explanation has been given to ONR for the delay.

Suspension of AWE Plc FM

On 12th August the Asset Operations Manager and Authority to Operate Holder – Zonal and Utilities ([REDACTED]) (Evidence Ref: statement number 2 [REDACTED]) asked one of the utilities staff if [REDACTED] was able to give him the electrical status of closed buildings via a desktop review according to available paperwork. The review was completed the same day, which gave a mixed picture. Some buildings stated disconnected, some isolated, some still live. [REDACTED] was comfortable with disconnected and live status but was concerned with those described as isolated/not confirmed. Whilst [REDACTED] was on leave, AWE Plc undertook an initial check of buildings that Gully Howard had worked upon and this was when a similar isolation on [REDACTED] was identified. [REDACTED] was made aware on [REDACTED] return from leave. During an early meeting into the [REDACTED] isolation [REDACTED] saw the Work Authorisation Form (WAF) and Safe System of Work, which appeared to show that [REDACTED] was missing from the hazard register and had had work authorised for an asbestos demolition survey by the same AWE Plc FM ([REDACTED]) as for [REDACTED]. Due to this second finding [REDACTED] was advised to suspend the AWE Plc FM ([REDACTED]).

The AWE Plc FM ([REDACTED]) was still on suspension when the ONR investigation team interviewed him. He was not allowed on site so the interview took place off site at the main AWE Plc security lodge; because of this the AWE Plc FM ([REDACTED]) was not able to provide any hardcopy evidence to support his statement.

Enforcement Policy Statement and Enforcement Management Model

C10 - Application of ONR's Enforcement Policy Statement and the appropriate Enforcement Management Model (Discuss the application of the EPS and the EMM to the circumstances – completed ONR EDR(s) must be attached as Appendix 1)

ONR EDR form attached at appendix 1.

Throughout the investigation, ONR were working to its Enforcement Policy Statement (EPS) as instructed by the ONR Board. The EPS sets out the principles inspectors should apply when determining what enforcement action to take in responses to breaches of health and safety legislation.

The EPS ensures that ONR will ensure the effective management of the enforcement process. Enforcement decisions and action taken will be informed by the principles of proportionality, consistency, targeting, transparency and accountability set out in the ONR Enforcement Policy Statement. It also sets out the common public interest factors in health and safety investigations which, if present, ONR expects should normally lead to a recommendation of prosecution by the investigating inspector.

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In accordance with the EPS, the ultimate aim of the enforcing authority is to ensure that dutyholders manage and control risks effectively. One of the purposes of enforcement is to promote and achieve sustained compliance with the law to achieve this aim. After the initial follow up inquires the findings were reviewed against the Enforcement Management Model (EMM) and judged (CM9 2019/215986 – ONR-IDR-19-002) that ONR should conduct an investigation to determine the cause of the event and identify if further regulatory action was required to secure improvement.

ONR's decision to carry out an investigation into this event and the level of resources allocated to it was judged to be proportionate and consistent with the EPS. ONR has taken account of the various factors in the EPS which are used to decide which incidents, events and complaints to investigate. ONR considered the potential seriousness of the alleged breach, the dutyholders past performance relevant to this investigation, and the public expectations associated with incidents on nuclear licensed sites. These provided sufficient cause for ONR to investigate this event.

Based on evidence obtained by the ONR inspectors through interviews with AWE Plc and Gully Howard Technical Limited staff, and the examination of documented evidence collected, there is a deficiency in the standards expected for compliance with The Health and Safety at Work Act 1974 Section 3 (1) and Electricity at Work Regulations Regulation 1989 – Regulation 14.

Whilst death was not a result of the event to the Gully Howard Technical Limited operative, [REDACTED], it was foreseeable by AWE Plc that there could have been a fatality of anyone working within the vicinity of live electrical equipment.

AWE Plc's standard of managing health and safety, in terms of planning, supervision and assessment of risks was found to be far below what is required by law, giving rise to significant risk when the Gully Howard Technical Limited operatives were working on Phase 4 of the larger asbestos survey work package AWE plc employed them to undertake.

Also ONR brought a prosecution against AWE Plc in July 2018 for breach of The Health and Safety at work act 1974, Section 2(1) for a similar event whereby an employee was injured whilst carryout an electrical task. This second similar event within a year of the last event demonstrates that AWE Plc has not learned lessons from the first event.

C11 - Recommended action (Describe the action proposed with specific reference to the appropriate EMM (relevant duty holder/strategic factors and the Confirmed Enforcement Expectation), the EPS and the CPS Code for Crown Prosecutors (England and Wales). Where prosecution is proposed, comment on the preferred venue (Magistrates'/Crown Court) and prepare draft information(s), including as appendix 2.

Please see accompanying EDR – Annex 1

Recommendation 1:

- a) I am also satisfied that AWE Plc failed in their duties under The Health & Safety at work Act 1974, Section (3) - General duties of employers and self-employed to persons other than their employees, (1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is

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reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

AND

- b) I am also satisfied that AWE Plc failed in their duties under Electricity at Work Regulations Regulation 1989 – Regulation 14 – Work on or near live conductors, because of these failings it is my recommendation that:

AWE Plc is prosecuted for a breach of The Health & Safety at work Act 1974, Section (3) General duties of employers and self-employed to persons other than their employees (1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

AND/OR

AWE Plc is prosecuted for a breach of The Electricity at Work Regulations 1989 – Regulation 14 – Work on or near live conductors.

As far as the CPS code is concerned, the evidence stands up to the evidential test and the public interests would be served by prosecuting AWE Plc because it would have a positive impact on maintaining community confidence, whilst send a message to similar companies to AWE Plc that such breaches will not be tolerated.

Recommendation 2:

AWE Plc has acknowledged the fact that since the event there is learning and improvements to be made in key control of buildings and permissioning for access to buildings. I recommend a minimum of a level 2 issue or an Improvement Notice (IN) is raised against AWE Plc to track the improvement work AWE Plc proposes in this area.

The Health and Safety at Work Act 1974 Section 2 (1) for Gully Howard Technical Limited

The Health and Safety at Work Act 2074 Section 2 (1) applies because:

Gully Howard Technical Limited is seen not to be at fault in the event of the 20th June 2019 and therefore this section does not apply but the investigation does recognise the operatives could have done more to ensure their own safety.

The investigation has identified that the Gully Howard Technical Limited operatives could have done more to ensure their own safety on seeing the door warning sign, isolation tag (the investigation has not establish if the tag was secured to the fuse box or not, or if the box was shut or open) and the Closed Building register by stopping work and perusing AWE Plc for more information about the hazards in the building, but there is no evidence, and it would be disproportionate, to support a charge against Gully Howard Technical Limited in this instance. The reason being all evidence shows that access to [REDACTED] was fully under the control of AWE Plc and its Facility Management/WCC teams and that evidence supports that Gully Howard Technical Limited believed all buildings to be surveyed were electrically dead.

This prosecution report sets out the facts of the case; the law, and how far AWE Plc fell short in complying with its legal duties. ONR's Enforcement Policy Statement sets out in clear terms that "Prosecutions are important

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ways to bring dutyholders to account for alleged breaches of the law". Evidential, EMM and Public Interest analysis of the matters in this case therefore support ONR's policy with regard to commencing legal proceedings.

Prosecution of AWE Plc is strongly recommended by the Investigating Inspector for Approving Officers consideration.

The matters in this report have been considered with regard to the Enforcement Management Model and following any Management Review an ONR EDR form has been completed. Consequently, where prosecution has:

- **not been indicated**, a proportionate approach should be taken on completing the supporting appendices.

Lead Investigator's name

[Redacted]

Lead Investigator's signature

[Redacted]

Date

26 February 2020

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Part D - Approval Officer's Considerations and Decision

(Approval Officer's consideration of the evidence, public interest factors, proposed defendants, proposed charge(s) and decision on prosecution)

Duty holder's name

AWE plc

Note: Separate Parts C and D should be prepared for each defendant.

D1 - Review the application of the Enforcement Policy Statement and Enforcement Management Model to the circumstances presented by the lead investigating inspector:

Fatals: When reviewing the evidence and the extent of the breaches, consider the likelihood of the breaches being characterised as grossly negligent by a Coroner's Inquest jury.

Having reviewed the evidence pack, I consider that the Enforcement Policy Statement and the Enforcement Management Model have been correctly applied by the investigating inspectors.

D2 - Review the application of the CPS Code for Crown Prosecutors in relation to each proposed case presented by the lead investigating inspector, giving reasons:

Evidential Stage:

In order to undertake an evidential sufficiency test, I have considered the following five points:

Has an offence been committed?

From the evidence collated by the ONR lead investigating inspector, I believe that an offence has been committed against the Health and Safety at Work etc. Act 1974, Section 3(1), namely that regarding the risks from a live 415V electrical conductor, AWE failed to conduct its undertakings in such a way as to ensure, so far as is reasonably practicable, that the Gully Howard Technical asbestos survey contractors were not exposed to those risks.

Is there sufficient evidence to provide a realistic prospect of conviction?

I judge that this near miss electric arc event was totally preventable. From the evidence and arguments provided in this investigation report, along with the written statements and other evidence collected by the investigators, it is my opinion that there is sufficient evidence that reasonably practicable steps could have been taken by the relevant AWE Facility Manager (FM) and/or the Work Coordination Centre (WCC) to reduce SFAIRP, or remove completely, the above mentioned risks. Therefore, I believe that there is a realistic prospect of conviction, including the impact of any defence.

Can the evidence be used in court?

I believe that the evidence has been collected in an appropriate and professional manner in accordance with ONR's written guidance and that it will be admissible in court.

Is the evidence reliable?

I have considered the integrity of the AWE documents collected and the written statements taken and I judge that the evidence is given freely.

Is the evidence credible?

I have considered the documents collected, the written statements taken and AWE's written representation, and whilst they are contradictory in places, I believe that they support each other sufficiently in key areas to support a case.

For the reasons stated above, I believe that the evidential sufficiency test is passed on all five points.

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Public Interest Stage:

As a statutory regulator, I believe the public would expect ONR to follow its Enforcement Policy Statement (EPS). The EPS states: *“ONR expects that it will normally prosecute, or recommend prosecution, where, following an investigation or other regulatory contact, one or more of the following circumstances apply:”*

From a list of eight possible circumstances listed in the EPS, I consider that there is evidence to demonstrate the following 3 apply to AWE in this case;

1 “the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;”

There was no actual harm caused by this event, however, the potential harm could have been electrocution/fatality.

2 “there have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;”

ONR has engaged with AWE regarding repeated electrical safety shortfalls and/or inadequate control of contractors' work, including issuing an enforcement letter following ONR's investigation into a serious injury requiring critical hospital care caused to an AWE employee during an electrical event on 30 October 2015, a 415V live cable strike by a demolition contractor on 27 June 2016, and successful prosecution by ONR following minor injury caused to an AWE employee during a 415V electrical arc event in 27 June 2017.

3 “a dutyholder’s standard of managing its legal responsibilities is found to be far below what is required by the legislation and to be giving rise to significant risk;”

I believe that the evidence provided from this ONR investigation demonstrates that AWE has fallen far below what is expected by the Health and Safety at Work etc. Act 1974, Section 3(1) with regards to conducting its undertakings in such a way as to ensure, so far as is reasonably practicable, that the Gully Howard Technical asbestos survey contractors were not exposed to risks to their health and safety.

Further, the EPS states that prosecution should be considered where, following an investigation, it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law. I judge that this is applicable in this case.

Considering all of the above, I believe that the public interest test is passed.

D3 - Decision on each of the proposed charges with the reasons for or against approval

Having discussed my rationale as laid out above with ONR's solicitor agent, and noting that ■ is in agreement, my decision is that I support the ONR lead investigating officer's recommendation to prosecute AWE plc for a breach against the Health and Safety at Work etc. Act 1974, Section 3(1).

Specifically, I judge that the evidence provided from this ONR investigation makes a strong case that AWE has fallen far below what is expected by the Health and Safety at Work etc. Act 1974, Section 3(1) with regards to conducting its undertakings in such a way as to ensure, so far as is reasonably practicable, that the Gully Howard Technical asbestos survey contractors were not exposed to risks to their health and safety.

D4 - Preferred venue (Magistrates'/Crown Court) and reasons

Reading Magistrates Court.

Nearest to AWE sites.

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D5 - Post-approval action, including use of solicitor agent

Fatals: Confirm whether consideration to be given to commencing ONR Prosecution before inquest.

N/A.

Approval officer name, signature and date of decision

Name

[REDACTED]

Signature

[REDACTED]

Date

17.06.2020

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Appendices

(where the file is being submitted for consideration by the approval officer, appendices 1, 2, 4, 5, 6, 7, 8 should be completed/included)

Appendix 1 – Form ONR EDR (mandatory for all reports)

ONR Enforcement Management Model
Enforcement Decision Record (EDR)

ENFORCEMENT DECISION RECORD	
Classification Marking: Official Sensitive	
Title: [REDACTED]	Site: [REDACTED]
ONR Division: Operating Facilities - Defence Weapons	Date: 26 February 2020
EDR No.: ONR-EDR-19-034	CM9 Ref: 2019/358195
RELEVANT BACKGROUND	
Provide a brief history of the incident and include how was this matter identified / revealed to ONR, with any relevant references?	
<p>A task-based contractor to Atomic Weapons Establishment (AWE) Plc, Gully Howard Technical Limited (GHT), was performing Asbestos Containing Material (ACM), pre-demolition surveys at AWE Plc Aldermaston and accessed [REDACTED] where the electrical switchgear was energised and had exposed conductors, and unintentionally created an arc flash (Near Miss) event when one of their operatives attempted to remove a flash guard for sampling purposes with a chisel.</p> <p>There were no injuries sustained during this event.</p> <p>This investigation commenced following receipt by ONR of incident notification Form (INF1 - 2019/452) from AWE Plc on the 17th July 2019.</p>	
What, if any, initial follow-up has been carried out by ONR?	
<p>Three Nuclear Safety Inspectors undertook follow-up enquiries on the 18^h July 2019 as reported in ONR-OFD-CR-19-303 (CM9 Ref: 2019/209154).</p>	
What, if any, action has been carried out by the dutyholder in response?	
<p>Upon notification AWE Plc undertook the following actions:</p> <ul style="list-style-type: none">• Zonal Facility Manager was moved to a different role,• All phase 4 asbestos surveying work was stopped and access to closed buildings was denied,• A Physical verification of all electrical isolations in closed buildings throughout the site took place,• A new process for key release from the WCC was put in place and warning signs put up on all key cabinets. All AWE Plc direct staff and/or contractors now have to report to a WCC staff member at the point of removing keys,• Only specified persons (such as Senior Authorised Persons Electrical) now have access and are identified on the WCC building logs,• Closed building procedures and isolation procedures had recently been revised and reissued.	

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APPLICATION OF THE ONR EMM
DETERMINE THE RISK LEVEL (not applicable for Compliance and Administrative Breaches)
Explain the basis for this decision (Table 1 of Enforcement guidance).
Extreme
There were inadequate control measures in place leading to the Gully Howard Technical Limited Operatives being allowed access to [REDACTED] and its Switch/Fuse box Room with live connectors.
DETERMINE THE LEVEL OF COMPLIANCE (for Compliance and Administrative Breaches)
Explain the basis for this decision (Table 4 of Enforcement guidance)
N/A
DETERMINE THE BENCHMARK STANDARD
State the authority and the title of the benchmark standard (Table 2 of Enforcement guidance).
Defined Standard – Health & Safety at Work act 1974, Section 3 (1) Section 3 - General duties of employers and self-employed to persons other than their employees, (1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.
AND
Defined Standard – Electricity at Work Regulations Regulation 1989 – Regulation 14 Reg 14 - Work on or near live conductors.
DETERMINE THE BASELINE ENFORCEMENT LEVEL (BEL)
For Risk Decisions (Table 3 of Enforcement guidance)
For Compliance and Administrative Arrangements (Table 4 of Enforcement guidance)
State the BEL to secure compliance with the law
Consideration to Prosecute AWE Plc
APPLICATION OF FACTORS
Dutyholder Factors (Table 5 of Enforcement guidance)
Consider the relevant factors and explain how they have been applied in this instance and if they have had any impact on the BEL, to conclude enforcement action. The Factors are:
1. What is the inspection history of the dutyholder? <i>AWE Plc has a Poor inspection history. The site is currently in enhanced regulatory attention but with a clear strategy aimed at improving compliance.</i>
2. What is the level of confidence in the dutyholder? <i>Little or No Confidence – The site is currently in enhanced regulatory attention and there is an ONR concern that AWE Plc does not have the effective management capacity necessary to implement improvements.</i>
3. Does the dutyholder have a history of relevant formal enforcement? <i>AWE Plc has had instances of formal enforcement action, for instance in the previous 12 month period; they were successfully prosecuted in relation to another Electrical Near Miss event at the Aldermaston site, that enforcement action followed a <u>Series</u> of events at the site where ONR has taken action in the form of formal letters sent to AWE Plc. More recently ONR undertook Initial Follow up into an event whereby a contractor struck a gas main, the outcome being the circumstances of the gas pipe strike event should inform the general ONR concern over management and control of contractors</i>

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which is currently the subject of an on-going regulatory issue with AWE. This is another example of poor contractor control.

4. *Is there relevant incident history?*

Yes, is bullet 3 above.

5. *Is the dutyholder deliberately seeking economic advantage?*

No economic advantage is being sought by the dutyholder.

6. *What is the standard of general compliance?*

The standard of general compliance in my opinion is Poor. Even though AWE Plc is engaging with ONR to improve compliance, compliance is slow to improve.

Strategic Factors (Table 6 Enforcement guidance)

Consider the relevant factors and explain how these have been applied in this instance. If the strategic factors aren't met then discuss the enforcement action with the appropriate delivery lead.

The Factors are:

1. *Does the action coincide with the public interest?*

Yes, it would be expected that prosecution will result in any necessary improvements being implemented.

2. *Does the action protect vulnerable groups?*

No.

3. *What is the long-term impact of the action?*

The long term impact of the action is to ensure that AWE Plc achieves compliance with the Defined safety standard.

4. *What is the effect of the action?*

The enforcement action should result in sustained compliance. There are also potential improvements associated with human factors.

5. *What is the functional impact of the action?*

The enforcement action against AWE Plc should have a net benefit and demonstrate to AWE Plc that they need to implement improvements to secure continuous compliance with the law.

6. *Does the action align with the principles and expectations of the EPS?*

Yes, the action seeks to ensure AWE Plc achieve and sustain compliance with the law. The action meets the ONR Principles of Enforcement of proportionality, accountability, consistency, is targeted and transparent. Formal enforcement is proportionate given the risk gap in this case and the seriousness of the potential harm. Formal enforcement, along with a L2 issue or Improvement Notice, is required to achieve the required improvement.

ENFORCEMENT DECISION CONCLUSION

Record the Enforcement Decision Conclusion here.

In accordance with the ONR Enforcement Management Model I recommend that AWE Plc is prosecuted for breach of The Health & Safety at Work Act 1974 Section 3(1) and or Electricity at Work Regulations Regulation 1989 – Regulation 14

DECISION REVIEW – (See section 10.6 of the guidance)

The decision review process requires delivery lead to consider; that the application of strategic factors is addressed by the proposed enforcement action; whether the proposed enforcement action meets the [Enforcement Policy Statement](#). If prosecution is to be considered that the enforcement action is aligned to the [Code for Crown Prosecutors in England and Wales](#) or the [Prosecutors Code in Scotland](#). (Include within the review statement the reason the review was initiated).

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Delivery Lead Name:	Professional Lead Name:	
Delivery Lead Signature:	Professional Lead Signature:	
ENFORCEMENT OUTCOME		
State the Recommended Enforcement Action (include any TRIM reference to how the enforcement action was communicated to the dutyholder).		
Check:		
<ul style="list-style-type: none"> • Ensure that the enforcement action deals with the most serious risks in order of priority, and in appropriate timescales. • That the cause of the risk is addressed. • Underlying problems addressed. • That the enforcement action takes into account the scale of the failures, e.g. isolated or multiple failures. • The enforcement action deals with the fundamental cause of the problem(s), e.g. workplace precautions, risk control systems or management arrangements. 		
Signature Lead Inspector: [Redacted]	Peer Reviewer (Discretionary): N/A	Signature Delivery Lead:
Print Name: [Redacted]	Print Name: N/A	Print Name: [Redacted]
Date: 26 February 2020	Date: N/A	Date:

Differences of opinion should be rectified by utilising ONR guidance on [Resolving Differences Of Professional Opinion In ONR; NS-INSP-IN-002](#).

Convey the enforcement outcome to the dutyholder.

Send completed form to the RMT Admin for processing.

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PUBLICATION SUMMARY:

For prosecutions, notices or directions the following summary will go onto the ONR website once any appeal period has completed.

This may not be appropriate due to security considerations in all cases, if this is the case then please state below – ‘Not for publication on security grounds’ and discuss with the communications team.

Enforcement Action	
Served against	
Description	
Breaches	
Compliance date	

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Appendix 2 – Draft information(s) (for each duty holder)

Draft Information(s)			For approval officer use		
No	Act, Regulations, etc	Section/Reg No	Offence Date(s)	Comments on drafting of informations <i>(Note: substantive comments on proposed charges should be provided below this table)</i>	Approve Draft Informations (Yes/No)
1					
2					
3					
4					
5					
6					
7					

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*Magistrates' Courts Act 1980, s1
Crim PR 2013 part 7*

Information

In the

Local Justice Area of

Magistrates Court Code

The information of

Of

Telephone number

An Inspector who states that

Of

On the

day of

at

In the

being an employer/employee/self-employed person within the meaning of the Health & Safety at Work etc. Act 1974/ The Energy Act 2013 *(delete as appropriate)*

Signature of Inspector:

Date:

Taken before me this

day of

20

Justice of the Peace for the County given above

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Summons

Insert name of Magistrates' Court **Magistrates' Court Code** *(Insert Court code number)*

Date :

To the accused :

Of :

You are hereby summoned to appear on *(Insert date)* at *(Insert time)* before the Magistrates' Court at *(Insert Court address)*

to answer to the information of which particulars are given in the Schedule hereto

Prosecutor :

An Inspector

Address :

*Justice of the Peace
Justices' Clerk*

SCHEDULE

Date of Information	Alleged Offence (particulars and statute)		
Insert date	That you, on Insert relevant information		
Summons (M.C.Act, 1980 s.1 Crim PR 2013 part 7)	All communications to:	The Clerk to the Justices (Insert Clerk's address)	

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Appendix 4 – Witnesses¹

All persons providing witness statement

	Witness Name	Role/Occupation	Type of statement (V/C)
1	[REDACTED]	[REDACTED]	V
2	[REDACTED]	[REDACTED]	V
3	[REDACTED]	[REDACTED]	V
4	[REDACTED]	[REDACTED]	V
5	[REDACTED]	[REDACTED]	V
6	[REDACTED]	[REDACTED]	V
7	[REDACTED]	[REDACTED]	V
8	[REDACTED]	[REDACTED]	V
9	[REDACTED]	[REDACTED]	V
10			

Key: V = Voluntary Statement (s9 CJA) C = Compelled Statement (s20(2)(j) HSWA)

Others interviewed where witness statement not taken

	Witness Name	Role/Occupation	Location of interview record <i>(Provide the serial and page numbers of the notebook in which the interview is recorded)</i>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

¹ If the ONR template (Material Management Spreadsheet) is used for recording material collected and appropriately saved in TRIM/CM9 it should be referenced from the Investigation Report.

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Appendix 5 – Exhibits²

Exhibit number and description <i>(includes any photographic, documentary and physical evidence)</i> <i>Ensure that each exhibit is produced in a witness statement</i>	Exhibited by (Witness No)	Exhibit Number	Page/Para of relevant statement	Storage location
A AWE/MAN/Q/21/4414.	[REDACTED] – Statement 1	ONR Ref: ONR/AWE/[REDACTED]/001 Exhibit - A	Statement Page 3	ONR DDS Safe Cheltenham and CM9 database
B Closed Building Hazard Register - Issue 2 – 00229624.	[REDACTED] – Statement 4	ONR Ref: ONR/AWE/[REDACTED]/001 Exhibit - B	Statement Page 1	ONR DDS Safe Cheltenham and CM9 database
C Work Authorisation Form 301351 - 16th May 2019 (Front & Back).	[REDACTED] – Statement 4	ONR Ref: ONR/AWE/[REDACTED]/002 Exhibit - C	Statement Page 1	ONR DDS Safe Cheltenham and CM9 database
D Certificate of Isolation - [REDACTED] 531304.	[REDACTED] – Statement 4	ONR Ref: ONR/AWE/[REDACTED]/003 Exhibit - D	Statement Page 2	ONR DDS Safe Cheltenham and CM9 database
E WCC Work Record Sheet – 40549.	[REDACTED] – Statement 4	ONR Ref: ONR/AWE/[REDACTED]/004 Exhibit - E	Statement Page 2	ONR DDS Safe Cheltenham and CM9 database
F Safe System of work - Approval for use check sheet 301280.	[REDACTED] – Statement 4	ONR Ref: ONR/AWE/[REDACTED]/005 Exhibit - F	Statement Page 2	ONR DDS Safe Cheltenham and CM9 database
G Risk Assessment and Method Statement for large Projects - Ref RA_GHT_GH4_QUO_02577-P2B8X4.	[REDACTED] – Statement 5	ONR Ref: ONR/AWE/[REDACTED]/001 Exhibit - G	Statement Page 4	ONR DDS Safe Cheltenham and CM9 database
H Surveying Buildings for asbestos based materials - WI 03.00.	[REDACTED] – Statement 5	ONR Ref: ONR/AWE/[REDACTED]/002 Exhibit - H	Statement Page 4	ONR DDS Safe Cheltenham and CM9 database
I Sampling of Bulk Materials WI - 02.00 Issue 5.	[REDACTED] – Statement 5	ONR Ref: ONR/AWE/[REDACTED]/003 Exhibit - I	Statement Page 4	ONR DDS Safe Cheltenham and CM9 database
J Working with Asbestos WI - 01.00 Issue 5.	[REDACTED] – Statement 5	ONR Ref: ONR/AWE/[REDACTED]/004 Exhibit - J	Statement Page 4	ONR DDS Safe Cheltenham and CM9 database
K [REDACTED] – AWE Plc Final Investigation Report MSP 1507, Case 1- 253259092, date 29 th July 2019.	[REDACTED] – Statement No1	ONR Ref: ONR/AWE/[REDACTED]/001 Exhibit - K	Statement No1 Page 1	ONR DDS Safe Cheltenham and CM9 database
L [REDACTED] - AWE- ONR-OFD-CR-19-447 – [REDACTED] Electrical Event – Site Visit- 10-11th September 2019.	[REDACTED] – Statement No1	ONR Ref: ONR/AWE/[REDACTED]/002 Exhibit - L	Statement No1 Page 2	ONR DDS Safe Cheltenham and CM9 database
M Inspection of [REDACTED] Isolator (Photos), Ref: ONR111-092, Dated 12 th September 2019.	[REDACTED] – Statement No1	ONR Ref: ONR/AWE/[REDACTED]/003 Exhibit - M	Statement No 1 Page 2	ONR DDS Safe Cheltenham and CM9 database

² If the ONR template (Material Management Spreadsheet) is used for recording material collected and appropriately saved in TRIM/CM9 it should be referenced from the Investigation Report.

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N	E-Mail from Gully Howard Technical Limited- Phase GH4 Buildings for Demo, dated 29 th September 2019.	██████████ – Statement No 2	ONR Ref: ONR/AWE/██████████/004 Exhibit - N	Statement No 2 Page 1	ONR DDS Safe Cheltenham and CM9 database
O	Work Authorisation Levels, AWE/MAM.Q/21/4415, issue 7, Dated May 2019.	██████████ – Statement No 2	ONR Ref: ONR/AWE/██████████/005 Exhibit - O	Witness Statement 3 - Page 2	ONR DDS Safe Cheltenham and CM9 database
P	Work Control Guidance, AWE/MAN.Q/21/3238 Issue 3, Dated May 2018.	██████████ Statement No 3	ONR Ref: ONR/AWE/██████████/006 Exhibit - P	Witness Statement 3 - Page 2	ONR DDS Safe Cheltenham and CM9 database
Q	WCC TAL2 (WAF) Log Sheet, AWE Plc Ref: EDMS3/802F88B7, Issue 4, Dated November 2017.	██████████ Statement No 3	ONR Ref: ONR/AWE/██████████/007 Exhibit - Q	Witness Statement 3 - Page 2	ONR DDS Safe Cheltenham and CM9 database
R	██████████ AWE- ONR-OFD-CR-19-581 – ██████████ Electrical Event – Site Visit to Witness Voltage Measurement. ██████████ 28th October 2019	██████████ Statement No 4	ONR Ref: ONR/AWE/██████████/010 Exhibit - R	Witness Statement 4 - Page 1	ONR DDS Safe Cheltenham and CM9 database
S	██████████ AWE Plc Regulatory Correspondence - Update on Review of Status of Isolations - H. ██████████ 12th Sept 2019.	██████████ Statement No 4	ONR Ref: ONR/AWE/██████████/011 Exhibit - S	Witness Statement 4 - Page 1	ONR DDS Safe Cheltenham and CM9 database
T	AWE Plc - ALD71110Y - Update on Amber Alert Ref : AA-1914 – To Undertake Formal Inspections Across Site to Clarify the Status of Isolations – ONR RESPONSE - 05 Aug 2019 - ██████████.	██████████ Statement No 4	ONR Ref: ONR/AWE/██████████/012 Exhibit - T	Witness Statement 4 - Page 2	ONR DDS Safe Cheltenham and CM9 database
U	██████████ E-mail response to ██████████ e-mail.	██████████ Statement No 4	ONR Ref: ONR/AWE/██████████/013 Exhibit - U	Witness Statement 4 - Page 2	ONR DDS Safe Cheltenham and CM9 database
V	██████████ E-mail response to Risk Base Inspection E-mail.	██████████ Statement No 4	ONR Ref: ONR/AWE/██████████/014 Exhibit - V	Witness Statement 4 - Page 2	ONR DDS Safe Cheltenham
W	AWE Plc - E-mail from ██████████ with the updated calibration pictures post the voltage test, dated 4th November 2019, consisting of 1 page.	██████████ Statement No 4	ONR Ref: ONR/AWE/██████████/015 Exhibit - WW	Witness Statement 4 - Page 2	ONR DDS Safe Cheltenham and CM9 database
X	AWE Plc - E-mail attachment of calibration pictures from ██████████ with the updated calibration pictures post the voltage test, dated 4th November 2019.	██████████ Statement No 4	ONR Ref: ONR/AWE/██████████/016 Exhibit - X	Witness Statement 4 - Page 2	ONR DDS Safe Cheltenham and CM9 database
Y	AWE Plc– E-mail from ██████████ with the pictures of meter	██████████ Statement No 4	ONR Ref: ONR/AWE/██████████/017 Exhibit - Y	Witness	ONR DDS Safe Cheltenham and CM9 database

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	readings from the voltage test, dated 29th October 2019.			Statement 4 - Page 2	
Z	ONR - E-Mail from [REDACTED] detailing level of potential harm from touching the live connectors	[REDACTED] Statement No 4	ONR Ref: ONR/AWE/[REDACTED]/018 Exhibit - Z	[REDACTED] Witness Statement 4 - Page 2	ONR DDS Safe Cheltenham and CM9 database
A A	AWE Plc – E-Mail asking to disconnect [REDACTED] – [REDACTED] 20 th Nov 2019	[REDACTED] Statement No 4	ONR Ref: ONR/AWE/[REDACTED]/019 Exhibit - AA	[REDACTED] Witness Statement 4 - Page 2	ONR DDS Safe Cheltenham and CM9 database
B B	Letter - Interview to PACE [REDACTED] to AWE - Electrical Incident - 2 December 2019 - [REDACTED]	[REDACTED] Statement No 5	ONR Ref: ONR/AWE/[REDACTED]/020 Exhibit - BB	[REDACTED] Witness Statement 5 - Page 1	ONR DDS Safe Cheltenham and CM9 database
C C	Letter - Response to PACE Interview - AWE -to ONR - Electrical Incident - 10 December 2019 - [REDACTED]	[REDACTED] Statement No 5	ONR Ref: ONR/AWE/[REDACTED]/021 Exhibit - CC	[REDACTED] Witness Statement 5 - Page 1	ONR DDS Safe Cheltenham and CM9 database
D D	Letter - 2nd PACE Letter - acknowledge AWE no interview - [REDACTED] to AWE - Electrical Incident 12th December 2019	[REDACTED] Statement No 5	ONR Ref: ONR/AWE/[REDACTED]/022 Exhibit - DD	[REDACTED] Witness Statement 5 - Page 1	ONR DDS Safe Cheltenham and CM9 database
E E	E- Mail - [REDACTED] - AWE PACE Response - 31st Jan 2020	[REDACTED] Statement No 5	ONR Ref: ONR/AWE/[REDACTED]/023 Exhibit - EE	[REDACTED] Witness Statement 5 - Page 1	ONR DDS Safe Cheltenham and CM9 database
F F	ONR Contact Report - ONR-OFD-CR-19-816, AWE February Site Week Meetings - 11-13 February 2020, consisting 6 pages.	[REDACTED] Statement No 5	ONR Ref: ONR/AWE/[REDACTED]/024 Exhibit - FF	[REDACTED] Witness Statement 5 - Page 2	ONR DDS Safe Cheltenham and CM9 database
G G	ONR Contact Report - ONR-OFD-CR-19-816, AWE February Site Week Meetings - 11-13 February 2020, consisting 6 pages.	[REDACTED] Statement No 5	ONR Ref: ONR/AWE/[REDACTED]/025 Exhibit - GG	[REDACTED] Witness Statement 5 - Page 2	ONR DDS Safe Cheltenham and CM9 database
H H	AWE Amber Alert, date 7 th August 2019, Ref: CDP 524, consisting of 2 pages.	[REDACTED] Statement No 5	ONR Ref: ONR/AWE/[REDACTED]/026 Exhibit - HH	[REDACTED] Witness Statement 5 - Page 2	ONR DDS Safe Cheltenham and CM9 database

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Appendix 6 – PACE Interview(s)

PACE Tape Nos	Summary and/or Transcript (S/T)
N/A	PACE Information a CM9 Ref: 2020/33511

Name of Person(s) interviewed, job title/role and whether representing a corporate body:

[REDACTED]	, Chief Operating Officer AWE Plc provided a PACE statement (CM9: 2020/33511). There was no PACE interview. AWE Plc have provided all the information reference in the PACE report also.
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Appendix 7 – TRIM/CM9 etc. inspection record (mandatory for all reports)

All work undertaken during the investigation was booked to OTIS service AWE Aldermaston Investigation – OFD01 – Electrical Near Miss Event 20/06/2019.

All hard copies of documents are held in the ONR safe in the Cheltenham office.

All soft copies of documents are held in CM9 folder 4.7.17811.

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Criminal Procedure and Investigations Act 1996 – refer to the Enforcement Guide for guidance

Schedule CPI1 – non-sensitive unused material

Disclosure Officer			Prosecutor <i>(Disclosure Officer to leave blank)</i>
Item No	Description	Location	Disclosure <i>(C – copy, I – inspect, CND – clearly not disclosable)</i>
1	Please see CM9 2019/218082 as this document lists the non-sensitive unused material	CM9 – folder 4.7.17811.	
I, as Disclosure Officer, believe that none of the above material is sensitive			Prosecutor's name:
Disclosure Officer's name: [REDACTED]			Signed:
Signed: [REDACTED]			Date:
Date: 26 Febraury 2020			

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Schedule CPI2 – sensitive unused material

Disclosure Officer			Prosecutor		
Item No	Description	Reason for sensitivity	Agree sensitive? Y / N	Court direction needed? Y / N	Comments
1					
<p>I, as Disclosure Officer, believe that the above material is sensitive; or</p> <p>I, as Disclosure Officer, believe there is no material that is sensitive</p> <p>Disclosure Officer's name: [REDACTED]</p> <p>Signed: [REDACTED]</p> <p>Date: 26 Febraury 2020</p>			<p>Prosecutor's name:</p> <p>Signed:</p> <p>Date:</p>		

Disclosure Officer's report to Prosecutor

The following items listed on schedule CPI1 and/or CPI2 for this case and relate to:

1. Material which might reasonably be considered capable of undermining the case for the prosecution against the accused, or of assisting the case for the accused; and/or
2. Material required to be supplied to the prosecutor under s7.3 of the Home Office CPIA Code (2015) and the current Criminal Procedure Rules and Directions

Schedule (CPI1 or CPI2)	Item No	Category (1 or 2)	Reason

To the best of my knowledge and belief, all relevant material which has been retained and made available to me has been inspected, viewed or listened to and revealed to the prosecutor in accordance with the Criminal Procedure and Investigations Act 1996, the Home Office CPIA Code (2015) and current Attorney General's Guidelines.

Name:

Signature of Disclosure Officer:

Date:

I have reviewed all of the relevant material **OR** I have considered the defence statement and further reviewed all of the relevant material (*delete as applicable*) that has been retained and made available to me and there is nothing to the best of my knowledge and belief that might reasonably be considered capable of undermining the prosecution case against the accused or of assisting the case for the accused.

Name:

Signature of Disclosure Officer:

Date:



PROSECUTION COSTS AND TIME RECORDING LOG

Duty Holder(s)					
Case No:		Inv Start Date:		IP / DP:	
Inv No:					

(The categories of work listed in the "Work Undertaken" drop down list below are indicative of the work commonly carried out as part of an investigation and prosecution, they are not exhaustive and should be selected and/or supplemented by use of the "Other" category as applicable in the particular case. To calculate the totals/sub-totals right click on the box and select "update field".)

Date (dd/mm/yy)	Name, Position & Grade	Work Undertaken (select from drop down list below)	Duty Holder Number (for multiple duty holders only)	Hours (0.0)	Travel Time (0.0)	Mileage
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				

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Date (dd/mm/yy)	Name, Position & Grade	Work Undertaken (select from drop down list below)	Duty Holder Number (for multiple duty holders only)	Hours (0.0)	Travel Time (0.0)	Mileage
		Choose an item.				
		Choose an item.				
		Choose an item.				
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		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
		Choose an item.				
Total				0.00	0.00	0.00

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Date	Costs and Fees Incurred	Cost (00.00)	Cost to Duty Holder One	Cost to Duty Holder Two	Cost to Duty Holder Three	Cost to Duty Holder Four
Total		£0.00	0.00	0.00	0.00	0.00

OFFICIAL SENSITIVE

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Date	Witness Expenses	Cost (00.00)	Cost to Duty Holder One	Cost to Duty Holder Two	Cost to Duty Holder Three	Cost to Duty Holder Four
	Witness Name:					
	Loss of earnings					
	Travelling expenses					
	Subsistence					
	Accommodation					
	Sub Total	0.00	0.00	0.00	0.00	0.00
	Witness Name:					
	Loss of earnings					
	Travelling expenses					
	Subsistence					
	Accommodation					
	Sub Total	0.00	0.00	0.00	0.00	0.00
	Witness Name:					
	Loss of earnings					
	Travelling expenses					
	Subsistence					
	Accommodation					
	Sub Total	0.00	0.00	0.00	0.00	0.00
	Witness Name:					
	Loss of earnings					
	Travelling expenses					
	Subsistence					
	Accommodation					

OFFICIAL SENSITIVE

OFFICIAL SENSITIVE

Date	Witness Expenses	Cost (00.00)	Cost to Duty Holder One	Cost to Duty Holder Two	Cost to Duty Holder Three	Cost to Duty Holder Four
	Sub Total	0.00	0.00	0.00	0.00	0.00
	Witness Name:					
	Loss of earnings					
	Travelling expenses					
	Subsistence					
	Accommodation					
	Sub Total	0.00	0.00	0.00	0.00	0.00
	Witness Name:					
	Loss of earnings					
	Travelling expenses					
	Subsistence					
	Accommodation					
	Sub Total	0.00	0.00	0.00	0.00	0.00
	Witness Name:					
	Loss of earnings					
	Travelling expenses					
	Subsistence					
	Accommodation					
	Sub Total	0.00	0.00	0.00	0.00	0.00
	Witness Name:					
	Loss of earnings					
	Travelling expenses					
	Subsistence					

OFFICIAL SENSITIVE

OFFICIAL SENSITIVE

Date	Witness Expenses	Cost (00.00)	Cost to Duty Holder One	Cost to Duty Holder Two	Cost to Duty Holder Three	Cost to Duty Holder Four
	Accommodation					
	Sub Total	0.00	0.00	0.00	0.00	0.00
	Total	£0.00	£0.00	£0.00	£0.00	£0.00

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Appendix 11 – Company search

In case of a corporate duty holder, a company search should be produced with this report.