

Report on	The Liaison Agreement for The Investigation of Work-Related Deaths within Northern Ireland
Date of Meeting	7 th December 2022
Reporting Officer	Kieran Gordon, Assistant Director of Health, Leisure & Wellbeing
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Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	To seek Council agreement to the updated 'Investigation of Work-related Deaths – Northern Ireland Agreement for Liaison' arrangements.
2.0	Background
2.1	District councils and the Health and Safety Executive for Northern Ireland (HSENI) are responsible, under Article 20 of the <i>Health and Safety at Work (Northern Ireland) Order 1978</i> , for making adequate arrangements for the enforcement of health and safety legislation with a view to securing the health, safety and welfare of workers and protecting others, principally the public.
2.2	Members will be aware that Council's Environmental Health Service is a joint regulator with the HSENI, sharing enforcement responsibilities for health and safety which are primarily divided for the respective remits by premises sector.
2.3	A work-related death is a fatality that results from an incident arising out of, or in connection with work or a work activity.
2.4	The current death at work protocol for liaison between health and safety enforcement partners has been operational since 2007.
3.0	Main Report
3.1	On 5 th July 2022 district councils received correspondence from the HSENI via SOLACE, outlining the need to update the 2007 Agreement for Liaison (Appendix A)
3.2	The Northern Ireland district councils, HSENI, the Police Service of Northern Ireland (PSNI) and the Police Ombudsman for Northern Ireland (PONI) all have different roles and responsibilities in relation to a work-related death.
3.3	The agreement is designed to emphasise the importance of the appropriate investigative agencies working together to ensure that a thorough investigation is carried out of work-related deaths in Northern Ireland.
3.4	The agreement sets out the principles for effective liaison between the parties. It deals with incidents where, following a death, there is a suspicion that criminal offences such as manslaughter and breaches of health and safety legislation, may have been committed.
3.5	

3.6	At present only PSNI can investigate serious criminal offences such as Corporate Manslaughter. PSNI also has a role to establish circumstances surrounding a work-related death to assist in any coroner's inquest.
3.7	PONI are included within the framework for liaison as their role is to investigate any matters which appears to the Police Ombudsman to indicate that, for example, the actions of a member of the PSNI has resulted in the death of some other person.
3.8	The agreement which is not intended to cover the operational practices of the signatory organisations, does however set out the underlying principles and need for joint investigations. It also includes (but is not limited to) considerations relating to: <ul style="list-style-type: none"> • the importance of a joint investigative strategy • witnesses and the bereaved; • the importance of communication and media strategy • Sourcing of experts and investigative funding.
3.9	The agreement also sets out the decision-making process and considerations relating to the sharing and disclosure of information and evidence from joint investigations. A copy of the updated protocol ' <i>Investigation of Work-Related Deaths Northern Ireland Agreement for Liaison</i> ' which ensures that the refreshed version of the liaison arrangements previously agreed in 2007 remain in place, is appended (Appendix B).
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None anticipated at this juncture.
	Human: None anticipated at this juncture.
	Risk Management: None anticipated at this juncture.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That Members note the contents of this report and agree the ' <i>Investigation of Work-Related Deaths Agreement for Liaison</i> ' between Council, the Health and safety Executive for Northern Ireland, the Police Service for Northern Ireland, and the Police Ombudsman for Northern Ireland.
6.0	Documents Attached & References
6.1	Appendix A –HSENI Letter to the Chairperson of SOLACE (dated 5 th July 2022)
6.2	Appendix B - Investigation of Work-Related Deaths Agreement for Liaison (October 2022)