



ONR GUIDE			
General Inspection Guide			
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1 INTRODUCTION

- 1.1 Inspection is one of the two key building blocks for almost all of ONR's regulatory activities. The other is assessment.
- 1.2 ONR expects its inspectors to be able to deliver inspection of nuclear site licensees or other duty holders in a consistent manner and expects consistent outcomes for similar findings.

2 PURPOSE AND SCOPE

- 2.1 The purpose of this guide is to lay the foundations for all inspection activities undertaken by ONR's inspectors. The same basic elements should be applicable to an inspector in any of the delivery programmes, nuclear safety, security, transport etc., including non-nuclear duty holders in the transport sector.
- 2.2 The guide underpins many other specific inspection guides available to the inspector, but particularly the Technical Inspection Guides which cover each specific licence condition and other regulatory requirements.
- 2.3 This guide is intended to help ONR meet the basic requirements of the IAEA General Safety Requirements and the Regulatory Framework for Safety, GSR Part 1, Requirement 18, staffing and competence of the regulatory body and Requirement 29: Graded approach to inspections of facilities and activities, Reference 8.1.
- 2.4 This guide has been written with terminology mainly used for nuclear safety inspection, the following terminology provide substitutions for other ONR inspection regimes:
 - Licence/Licence Instrument may be substituted by 'Certificate of Approval'.
 - Nuclear may be substituted by 'Non-nuclear Radioactive Material'.
 - SAPs, TIGs and TAGs may be substituted by 'Appropriate Procedures and Guidance'.
 - Site may be substituted by 'Facility' or 'Duty Holder'.
 - Inspector may be substituted by Authorised Visiting Officer (AVO).

3 PLANNING PHASE

- 3.1 Each Operational Programme (New Reactors, Decommissioning, Fuel & Waste, Operating Facilities, Security and Cross ONR Programme) has developed Regulatory strategies for the licensees/duty holders. For all of the major sites and facilities, an annual Integrated Intervention Strategy (IIS) Plan exists which describes how the strategy is realised through a series of planned inspections.
- 3.2 The start of the planning phase for each individual inspection is to review the IIS plan and to confirm the inspection is on the IIS plan, or if necessary, that the IIS plan is modified to include the planned inspection. For more detail on IIS plans, see ONR Guide GD-59, Reference 8.2.
- 3.3 Planned inspections undertaken by ONR are significant activities designed to determine by sampling the licensee/duty holder's compliance with legal requirements. As such, a minimum duration of half a day site time is required to enable sufficient evidence to be gathered to give a representative IIS inspection rating.
- 3.4 Most inspections are planned. In such cases, it is expected that the planning phase is started between 1 and 2 months before the inspection start date. This gives time for full preparation, including the identification of which ONR inspectors will be involved.

The planning process should also consider the timing of other planned inspections to avoid over-burdening licensee's/duty holder's and consider opportunities for brigading similar planned activities together.

- 3.5 In the interests of regulatory efficiency, opportunities should be considered for participating in, or taking account of separate inspections with: other ONR Operational Programmes, the Defence Nuclear Safety Regulator (DNSR, for defence sites), HSE Hazardous Installations Directorate (on licensed sites which are also upper tier COMAH sites), with HSE Construction Division (where major construction works are occurring on licensed sites), with the environment agencies (where joint regulatory interests apply), with the licensee/duty holder's internal regulator, with other government departments, or relevant regulators.
- 3.6 Some inspections are unplanned and arise typically because of events, incidents or accidents at the site/facility or during transport. In these cases, the initial planning phase will be part of the preparation phase. However, the inspector leading the inspection should still consult with the nominated site inspector (where applicable) to ensure they are fully aware of all inspection activities taking place and can support and give a regulatory context.
- 3.7 Almost all ONR inspections are planned and announced in advance. A few are planned and unannounced. For unannounced inspections, the full planning and preparation phases are still entirely relevant and should be completed. Care should be exercised throughout the planning and preparation phases to ensure the licensee/duty holder does not become aware in advance of the inspection. This is to ensure that the as found conditions on site are representative of the normal level of control achieved by the licensee/duty holder.
- 3.8 The planning phase should clearly identify the relevant legal vires for the inspection. The overarching legal basis sets the element of the IIS plan which the inspection fits within. Most nuclear safety based inspections focus on licence condition compliance.

4 PREPARATION PHASE

- 4.1 Preparation includes a review of the inspection history for that site/duty holder and for that topic or licence condition. Previous intervention records and the Regulatory Issues Database and the Incidents Database should be reviewed to determine if there are legacy concerns or issues outstanding which are relevant to the planned inspection.
- 4.2 Preparation should include a discussion with the nominated site inspector (where applicable) to understand the current regulatory context. This context could include: current and recent issues; enforcement activity; inspection history (including learning from experience aspects); regulatory topics and themes that the planned inspection should align with.
- 4.3 The preparation typically includes a review of the safety case for the area and topics to be inspected. Key information to extract should include an understanding of what safety case claims are made on relevant plant (including transport packages), processes and people.
- 4.4 The preparation phase should also review existing compliance information in advance of arriving on site. This significantly improves the efficiency and effectiveness of the inspection. To gain this information in advance, the inspector needs to engage with the licensee/duty holder's prime contact, or the nominated inspector to obtain current copies of the compliance documents.
- 4.5 In addition to compliance documentation, there may also be specific documentation available at the site which is relevant to the inspection. Again, it is more efficient to

obtain this information during the preparation phase, to read and digest it, and to develop a set of questions.

- 4.6 ONR provides significant levels of guidance for most inspection topics. This includes the Technical Inspection Guides (TIGs) for the various licence conditions. It also includes other general guidance across a range of topics, including emergency planning and exercises, leadership and management for safety, specific guidance within Technical Assessment Guides, as well as specific Security and Transport inspection guidance. Where relevant, inspectors should also make reference to relevant guidance published by industry or international bodies, such as IAEA.
- 4.7 Preparation for an inspection should include a review of relevant guidance and selection of those aspects that the inspector considers to be relevant to the licensee/duty holder's operations and the planned inspection that is to be made. Inspectors should use relevant guidance, in conjunction with their knowledge and experience of relevant good practice, to develop a clear understanding of the compliance standards that are expected. The scope of the inspection to be made should be clearly defined and articulated through the preparation of an appropriate question set. Inspectors should ensure that they and others supporting them understand the guidance they have reviewed and are competent to apply it.
- 4.8 An agenda for the inspection should be developed by the inspector and sent to the site coordinator or contact. Early issue of the proposed agenda allows the licensee/duty holder to ensure the correct people are available and takes account of planned equipment availability and maintenance. As such, the licensee/duty holder may suggest changes in timings or contacts for specific elements of the inspection. It is up to the inspector to exercise discretion at this point to ensure the inspection is being guided by the licensee/duty holder for the right reasons in the interests of safety and of ensuring an effective inspection can be completed, and not simply to ensure the "A team" is made available. The inspection plan and the associated contacts should be agreed before the delivery phase.
- 4.9 In the majority of cases, for inspections announced in advance, it is good practice to furnish the licensee/duty holder with as much information about the scope and nature of the inspection as is practicable. This ensures that the licensee/duty holder is given every opportunity to provide a true and accurate demonstration of compliance. Any "quick fixes" made in advance of the inspection by the licensee/duty holder should be viewed as a positive benefit of ONR's oversight.
- 4.10 For inspections of SMEs in the non-nuclear sector, with limited involvement in the transport of radioactive material and simple compliance arrangements, the preparation for inspections should be limited accordingly. In such cases an agenda should be supplied in advance, listing the documentation to be made available during the inspection.

5 DELIVERY PHASE

Personal Safety and Security

- 5.1 ONR inspectors must be, and be seen to be, exemplars in the areas of personal safety and security.
- 5.2 The inspection of the facility, its plant, people and processes should not expose the ONR inspector, or the licensee/duty holders' staff to undue or unnecessary risks. Whilst ONR has generic risk assessments for site inspection activities, a point of work risk assessment should be undertaken in most circumstances, and should be applied prior to any unusual or unexpected inspection activity. The point of work risk assessment does not need to be recorded and kept, but a note in the inspector's

notebook to confirm that they have considered the risks posed by the working environment is good practice. Simple point of work risk assessment checklists such as Appendix 2, or similar licensee/duty holder processes can be helpful at this stage. See Reference 8.6 for further guidance.

- 5.3 Regardless of the outputs of the point of work risk assessment, the minimum standards of Personal Protective Equipment (PPE) required by the licensee/duty holder for the activities or areas inspected should be used at all times. ONR inspectors should enquire about and follow procedures and arrangements made by the licensee/duty holder for the purposes of safety. In particular, inspectors should always follow local rules made for the purposes of radiological protection. Do not touch plant/equipment and do not lead in hazardous areas but observe licensee/duty holder staff for correct procedure (e.g. barrier entry/exit procedures).
- 5.4 Some sites have criticality evacuation zones, so the delineation of these zones and the requirements to promptly evacuate to a Criticality Assembly Point should also be understood by inspectors.
- 5.5 In exceptional cases where it is perceived that the licensee/duty holder cannot be relied upon to ensure the inspectors' safety (e.g. small businesses transporting radioactive materials), a suitable risk assessment and control measures should be agreed with the relevant Superintending Inspector in advance of the inspection.
- 5.6 Inspectors should ensure that they are fully familiar with and follow the licensee/duty holder's procedures for information and physical security. Inspectors should comply with the licensee/duty holder's procedures for entry and exit from the site. The necessary authorisations for taking laptops, mobile phones and other equipment on site should be obtained when practicable. Any difficulties encountered that may compromise ONR's work should be resolved with the site and if necessary raised with the relevant Superintending Inspector. Inspectors should ensure that they are aware of and follow procedures for the control of the licensee/duty holder's information. Documents and records should only be requested and retained in ONR's information systems where necessary for the purposes of ONR's regulatory business.

Conduct of Inspections

- 5.7 The way in which ONR inspections are conducted is as important as their delivery. In addition to displaying exemplary compliance with safety and security requirements, inspectors' interactions with the licensee/duty holder should be conducted in a manner that reflects well on ONR and supports ONR's aims and objectives.
- 5.8 The inspection should be undertaken in a professional and courteous manner. The inspector/inspection team should display the behaviours expected of a professional regulator throughout the inspection and give the licensee/duty holder the opportunity to present their evidence of compliance openly and honestly. There are a number of reference points, described in paragraphs 5.9 to 5.12, that should be used by inspectors when undertaking inspections and during other routine interactions.
- 5.9 ONR's Enforcement Policy Statement sets out how ONR will undertake its regulatory business. These principles of enforcement apply to the approach that should be adopted by individual inspectors:
 - Be proportionate when applying ONR guidance, determining relevant good practice and making regulatory decisions.
 - Target the most significant risks and hazards.
 - Be consistent and prepared to explain your actions to the licensee/duty holder.

- Be transparent when explaining your expectations for compliance and distinguish between relevant good practice (the legal standard) and best practice. Offer advice to enable compliance.
 - Be prepared to account for your regulatory actions and judgements to ONR management, the licensee/duty holder and other stakeholders.
- 5.10 The values and behaviours described in the Regulatory Nuclear Interface Protocol (RNIP) process should be in evidence at all times. Inspectors should be
- Responsive, well-informed and innovative.
 - Balanced and proportionate.
 - Consistent and transparent.
 - Respond to the licensee/duty holder in a timely manner.
- 5.11 The expectations of the Regulators Code should be met and also be evident.
- We should carry out our activities in a way which supports those that we regulate to comply and grow.
 - We should provide simple and straightforward ways to engage with those we regulate and hear their views.
 - We should base our regulatory activities on risk.
 - We should share information about compliance and risk.
 - We should ensure that our approach to our regulatory activities is transparent.
- 5.12 ONR's Enabling Regulation agenda has been particularly influenced by the requirements of the Regulators Code and additional information is provided in Appendix 4.

Team working

- 5.13 Inspections can be completed by individual inspectors or by teams of ONR inspectors. Paired or teamed inspections can be completed with other regulators (see para 3.5) and may also occasionally include staff from Technical Support Organisations (TSOs), who provide a contribution in an advisory capacity. In all cases, it should be clear during the planning stage who is leading the inspection and who is preparing the record.
- 5.14 Inspections where the ONR inspector is paired with an inspector from the licensee/duty holder's internal regulator can also be undertaken. Such inspections can have a variety of benefits beyond the normal compliance basis of the inspection, including: supporting and building resilience in the internal regulator: learning from the site specific knowledge and experience of the internal regulator: demonstrating ONR's confidence in the internal regulator with the licensee organisation, etc. In all such cases, the ONR inspector will complete an Intervention Record, with no reliance made on the notes and records of the internal regulator (to maintain independence).
- 5.15 A good practice guide for working with the internal regulator is available at Appendix 3. Working with the internal regulator to encourage self-regulation is encouraged, but all inspections cannot be completed in this manner as it could be seen to undermine the independence of ONR.

Inspection process

- 5.16 Undertaking the inspection typically starts with an opening meeting with a senior member of the licensee/duty holder organisation. At the meeting the scope and content of the planned inspection are discussed, any last minute changes to the agenda are

discussed and agreed (subject to the inspector's discretion) and the legal context of the inspection is explained.

- 5.17 At the start of each phase of the inspection the most effective approach is generally to use open questions, both to reassure the interviewee, and to gain as much information as possible. Frequently this open questioning phase then develops lines of enquiry which the inspector can follow, which may use either open or closed questions.
- 5.18 Notes should be made throughout the inspection to provide the basis for producing an Intervention Record (or letter for non-nuclear duty holders). The notes made will typically be records of discussions, responses to the question set, summary information taken from licensee/duty holder documentation, observations and points requiring follow-up. Such notes are often taken at speed, on plant or in transit. As such, it is generally impractical to follow fully the standard rules for completion of the inspector's official notebook (see Appendix 5). Nor is this necessary, when the notes taken will not likely be called upon as evidence in legal proceedings. Inspectors should however always carry an official notebook to record any matters and decisions that may later need to be justified or which may form part of legal proceedings and adhere as closely to the guidance in Appendix 5 as is reasonable in the circumstances.
- 5.19 Records and documents provided by the licensee/duty holder in support of the inspection, such as: job cards, work instructions, procedures etc. should only be retained by ONR for the period necessary to complete and document the inspection.
- 5.20 Inspections are undertaken to determine whether compliance with the law is being achieved. The inspection plan, legal requirements, relevant guidance and supporting question sets developed during the preparation phase should be used to guide both the direction of the inspection and the expectations for compliance. The inspector should develop a view of the inspection rating that will eventually be awarded and actively seek out evidence to determine the true level of compliance.
- 5.21 The inspection typically concludes with a closing meeting with a senior member of the licensee/duty holder organisation. At the meeting the content of the completed inspection is discussed, along with any items which were planned but not completed and any additional topics or items. The initial conclusions of the inspection are discussed, along with the provisional inspection rating and the basis of this judgement. The inspector should confirm that initial ratings and conclusions may be subject to change when all of the information received and covered is reviewed during the write up phase. If the licensee/duty holder has committed to, or is expected to, make any changes as a result of the inspection, this should be confirmed with the senior member of staff.

Inspection Rating

- 5.22 ONR uses inspection ratings information to track licensee/duty holder performance and to direct ONR resources accordingly. Guidance to inspectors on the rating of inspection findings is available on HOW2.
- 5.23 The ONR inspection rating system is calibrated against the action that ONR proposes to take in response to inspection findings:
- *Green – No formal action.* ONR is generally content that licensee/duty holder's performance meets relevant good practice (e.g. meets legal requirements) and any identified shortfalls are not significant. ONR feedback (if any) is informal and advisory in nature.
 - *Amber – Seek improvement.* ONR inspections have identified significant shortfalls. ONR action is to issue an enforcement communication (letter or email) which is tracked to completion.

- *Red – Demand improvement.* Shortfalls have been identified which are sufficiently serious to merit the use of ONR powers to compel compliance (e.g. IN, direction or withholding of a permission).
- 5.24 The majority of licensees and duty holders should be operating predominantly with a rating of Green. Limited non-compliances of an otherwise acceptable performance should be advised to the licensee/duty holder with a clear expectation that they will be improved. Local actions should be agreed where necessary with the licensee/duty holder, without the need for a formal enforcement communication (letter or email) from ONR. In cases where the inspector encounters examples of best practice, these observations should be acknowledged by the inspector and captured in the IR.
- 5.25 Where significant non-compliance or safety/security deficiencies have been identified by the inspection, then a rating of Amber, or exceptionally Red, would be expected and an issue raised and recorded on the Regulatory Issues database. Such issues should later be communicated to the licensee/duty holder via a written communication (email or letter, or sharing the full intervention record).
- 5.26 At all times where significant levels of non-compliance are identified, the inspector should apply the Enforcement Management Model. For Amber ratings there is not normally a need to formally record this on an EMM1 form, but the inspector should use their official notebook to record the non-compliance and why a formal EMM application is not appropriate. For Red ratings, formal application of EMM is expected on return to the office. The site should be left with a clear understanding that a formal EMM assessment is likely to be made.
- 5.27 The rating should be made based on the evidence gathered and issues identified at the time of the inspection. If further information and documents are supplied by the licensee/duty holder prior to leaving the site, or shortly afterwards, the rating can be modified with the reasons recorded. Inspectors should be receptive to corrections made by the licensee/duty holder (e.g. you spoke to the wrong person, you were inadvertently misinformed).
- 5.28 Inspectors should not use ratings as a lever for negotiation, nor should inspectors accept ‘promises to pay’ by the licensee/duty holder. The ONR Inspection Rating System is designed to provide an objective measure of licensee compliance “on the day” as determined by proactive planned inspection. As such it is not appropriate to award a rating when undertaking reactive work; unless the rating is related to the quality or otherwise of the licensee’s investigation of the event, or substantive work has been done to identify an underlying compliance failure.
- 5.29 Inspections of non-nuclear duty holders are typically undertaken on an infrequent basis and it is the practice to issue a letter to the duty holder after each inspection. The letter will record the inspection rating, any noteworthy good practices observed and will detail any legal shortfalls identified during the inspection with an agreed timescale for the provision of evidence to close out the shortfalls.

Additional issues

- 5.30 Inspectors should generally avoid distractions that may present themselves during the course of a planned inspection. Such matters may be interesting activities or issues that are drawn to the inspector’s attention by the licensee/duty holder, or matters that the inspector identifies during the course of an inspection that require follow-up, but are not directly within the scope of the inspection plan. Such matters should be recorded for follow-up separately.

- 5.31 Exceptionally, documentary or other evidence may emerge during an inspection that indicates a significant contravention of legal duties, triggering the requirement for further investigation. In such cases the inspector may need to halt the planned inspection and commence follow-up. When practicable, this should be agreed at the time with the appropriate nominated or Superintending Inspector. Complaints or concerns that are raised by the licensee/duty holder, employees or members of the public, should be dealt with by following the guidance in Appendix 6.
- 5.32 Given the well established nature of the UK nuclear sector and the overall adequacy of their arrangements for compliance with the licence conditions and relevant statutory provisions, it is rare for an inspector to need to use their powers. However if the inspector uses any of their powers during the inspection, this **MUST** be stated to the licensee/duty holder and recorded in the inspector's official notebook with sufficient information to explain why and which power was used, complete with a start and finish time (see Appendix 5).
- 5.33 If the inspector issues any form of notice under their powers during the inspection, this must also be recorded in the official notebook as above. It is recommended that exemplar notices are carried to help ensure good practice in the terms used, but the actual form should be taken on the day from the ONR approved forms stored online. If the inspector has no access to the online forms, they should get a blank copy sent by the support teams to the licensee/duty holder and use this.
- 5.34 During the course of any inspection, there is a potential for the inspector to observe an activity, process or plant item which could give rise to a Risk Of Serious Personal Injury (ROSPI), Matter of Evident Concern (MEC), or Matter of Potential Major Concern (MPMC). Training course N19 for all inspectors covers these, but in summary, the inspector should ensure they and others withdraw from any high risk location; they should ensure that licensee/duty holder staff are aware of the situation and acting to rectify it. Be aware you are the regulator and challenging an individual undertaking hazardous activities directly could cause them to respond inappropriately causing an injury to themselves or you. If necessary, and where vires permits, inspectors should contact the ONR Conventional H&S Team for advice and guidance which may include use of enforcement tools, up to and including a Prohibition Notice, to ensure the situation is made safe. If, following advice from the CHS team, it is necessary for enforcement action to be taken, then the inspector should contact their Superintending Inspector, or the nominated site inspector, but if this approach will take excessive time, the inspector should act within their powers and at their discretion. For non-nuclear facilities, inspectors should be aware of the limit and scope of ONR vires and may need to refer such matters to other regulators (e.g. HSE).
- 5.35 Inspectors may be asked for their advice on compliance during the course of an inspection. There is a clear expectation (in the Regulators Code 2014, Reference 8.3) that such advice will be given. Inspectors should however ensure that their advice is not prescriptive, that it centres on outcomes and not specific outputs, and that the licensee/duty holder is left in no doubt that the final decision and responsibility for safety rests with them. The advice given should be recorded in the inspector's official notebook.

6 WRITE UP

- 6.1 Although the record of the inspection can only be finished after the inspection has been completed, it is good practice to start making notes and/or the record itself during the inspection. This can help with a self-checking exercise to ensure the record covers all of the relevant aspects of the topic and the inspector has provided suitable advice. Completion of inspection records is tracked as one of ONR's performance indicators.

- 6.2 The inspection can be recorded in either an Intervention Record or a Contact Record. Advice and guidance on the suitability of each is on HOW2, but in essence an Intervention Record must be used for all rated inspections. It would be unusual to use a Contact Record for any site or facility based inspection, but an example could be when a technical meeting, or other routine meeting (e.g. Annual Review of Safety) which is on the IIS plan but not rated, has been held at the site, and a brief inspection of the in-situ plant or processes has been completed to aid understanding of the topics discussed.
- 6.3 The Intervention Record (IR) (or the Contact Record (CR)) is a summary of the inspection. They should be written with the prime audiences in mind, e.g. to communicate the inspection conclusions clearly and succinctly to colleagues and other stakeholders. IRs and CRs do not fulfil the same purposes as inspectors' notebooks and the material recorded and the manner in which it is presented should reflect this. In particular, if the subjects inspected are very complex or difficult to explain in the IR/CR format, a supporting note can be prepared and filed in TRIM.
- 6.4 Either form of record, IR or CR, should follow the standard formats available on the HOW2 system. These ensure the basic information, of dates, facility or site, personnel, ratings (if appropriate), summaries for publication, etc., are contained within the record.
- 6.5 The key purpose of the record is to identify what was inspected by whom and when, including the sampling strategy. All significant findings, positive or negative, should be recorded and sufficient information should be provided to ensure the evidence supporting the ratings and conclusions are clear and self-standing. Where appropriate, the record should also confirm that a regulatory issue has been raised with the licensee/duty holder, summarise what enforcement activity has been considered and determined, and what action the licensee/duty holder is expected to undertake to close the compliance gap.
- 6.6 The inspection outputs are recorded and aggregated for each facility or site IIS plan in accordance with guide GD-59. This allows feedback and intelligence to be captured and reviewed, and provides basic information for the planning of subsequent inspections and interventions.
- 6.7 Most ONR programmes publish the Executive Summary of each IR. All of the record is however potentially disclosable under FOI/EIR and should be written as such (e.g. avoid providing unnecessary security-related information or naming the individuals you spoke to in the report body). Where specific information which would require a protective marking above Official is required, an Appendix should be used for recording the sensitive information.
- 6.8 The inspection of non-nuclear duty holders is typically recorded in a letter to a standard template. An IR is produced each quarter listing the non-nuclear inspections undertaken during that period and identifying any trends and themes arising from these inspections.

7 FOLLOW UP

- 7.1 All inspections need a degree of follow up. At the simplest level and for an inspection which raised no issues or formal follow up activity, this should at least include a period of self-reflection to review what was done, and how it could have been completed more effectively and efficiently. Discussing the inspection with colleagues who have experience in similar areas is often helpful to consolidate any learning and to ensure a consistent approach.

- 7.2 The review should also include a review of the guidance used during the inspection, including relevant TIGs, ACOPs, and ONR guides including this guide. Any feedback worth raising should be sent via the HOW2 processes for TIGs and other guides.
- 7.3 If an inspection has raised a Regulatory Issue, this will require periodic review and assessment until the licensee/duty holder provides sufficient information and evidence that the issue can be closed. The history of interaction, the evidence and correspondence sent requesting the issue to be closed and the justification from the inspector which confirms closure should all be recorded on the issues database. In the case of non-nuclear transport duty holders, a close out letter is issued on completion of the actions.
- 7.4 The record of the inspection will also be used in the periodic programme review of intervention strategies to ensure the future intervention and inspection programme reflects the outputs from this and similar inspections.

8 FURTHER READING

- 8.1 IAEA GSR Part 1. Government, Legal and Regulatory Framework for Safety. General Safety Requirements Part 1.
- 8.2 ONR-INSP-GD-059 – Guidance for Intervention Planning and Reporting
- 8.3 Department for Business Innovation and Skills – Better Regulation Delivery Office - Regulators Code 2014
- 8.4 ONR Enforcement Policy Statement
- 8.5 Regulatory Nuclear Interface Protocol
- 8.6 ONR-HRM/010 – Identifying and controlling risks for ONR staff visiting nuclear sites
- 8.7 ONR generic risk assessments for transport inspection of industrial, medical, academic and research sectors – Trim 2016/254756 and 2016/254986

9 DEFINITIONS

- 9.1 Licensee may be substituted by 'Duty Holder'
- 9.2 Licence/Licence Instrument may be substituted by 'Certificate of Approval'
- 9.3 Nuclear may be substituted by 'Non-nuclear Radioactive Material'
- 9.4 SAPs, TIGs and TAGs may be substituted by 'Appropriate Procedures and Guidance'
- 9.5 Site may be substituted by "Facility" or 'Duty Holder'

10 APPENDIX 1 – THE BASICS

Phase	Key elements
Planning	IIS plan Organisation of inspection team Inspection scope and question set
Preparation	Hotel booking Transport bookings (road/rail) Dose record form Site Access Forms and Documents
Delivery	Notebook – pocketbook (plus spare) Exemplar notices Laptop LC Handbook (or equivalent) TIG, TAG, etc. Personal Protective Equipment Inspection rating table
Write Up	Inspection Ratings & Communication Intervention Records & Contact Records Performance Indicators Judgements and evidence FOI/EIR Issues and Actions EMM
Follow up	Issues TIGS & Guides feedback Planning and baselining

11 APPENDIX 2 – POINT OF WORK RISK ASSESSMENT CHECKLIST

Before you start conducting a plant inspection

	Check
Are you familiar with the plant/area to be visited?	
Have you had a suitable safety briefing from the licensee/duty holder?	
Are you aware of the relevant local rules for radiological protection?	
Do you need to take precautions for Foreign Material Exclusion (FME)?	
Are you aware of what work activity (if any) is being undertaken in the area?	
Are you aware of and wearing the appropriate PPE?	
Are you aware of the relevant visual and audible emergency warnings in the area?	
Are you clear about what action to take in an emergency, particularly egress routes and the location of assembly points?	
Do you have an appropriate licensee/duty holder escort?	
Have any special requirements/notifications for access been made (e.g. security)?	
If escorting ONR colleagues, are you clear about your responsibilities?	

Identify potential hazards

	Check		Check
Slips and trips		Noise	
Fall from height		Fire or explosion	
Falling objects		Confined space	
Chemical/harmful substances		Dust or fumes	
Ionising/non-ionising radiation		Adverse weather	
Loose radioactive contamination		Poor lighting	
Electrocution		Temperature (high/low)	
Moving vehicles/objects		Risk to plant operation	
Criticality zones		Asbestos	

Identify control measures

(List/discuss/consider the control measures you will take. See also ONR/HRM/010.)

Hazard	Control measures

12 APPENDIX 3 - GUIDANCE FOR INTERACTION WITH INTERNAL REGULATORS

Working with internal regulators:

- Act in a way that supports and strengthens licensee/duty holders' self-regulatory processes rather than provides a substitute for them.

NB: licensees' internal processes (e.g. safety assessment, peer review, nuclear safety committee, modification control, and compliance monitoring) are all intended to ensure that activities are properly considered, and appropriate standards are maintained. If ONR does not take sufficient cognisance of these processes, or criticises them without seeking improvements, or otherwise undermines them, they will become less effective. The end result is likely to be that ONR ends up in the position of effectively carrying out these roles itself, the 'unpaid consultant'. This is clearly undesirable for a number of reasons. In contrast, the development and support of effective internal regulatory processes reinforces licensee ownership of its duties, and represents a significant gearing and leverage benefit.

Do's:

- Do maintain a regular dialogue with the internal regulator outside of normal interventions, so that both parties are aware of each other's activities
- Do use the internal regulator to support your interventions, and encourage their participation
- Do use the internal regulator to gather factual information during your interventions, and provide you with advice
- Do encourage the internal regulator to undertake pre- inspections, and share the findings openly
- Do give appropriate credit to the internal regulator where they determine effective findings as part of their internal processes
- Do support the profile and 'independence' of the internal regulator in the licensee/duty holder's organisation, and support their actions where appropriate
- Do maintain ONR's independence as the statutory regulator, whilst working alongside the internal regulator
- Do use internal regulator feedback to inform your intervention planning
- Do involve the internal regulator in your annual planning process, and consider accounting for their interventions in determining your inspection coverage

Don'ts:

- Don't use the internal regulator to make regulatory judgements on your interventions (or give this impression); such judgements are reserved to ONR
- Don't allow the internal regulator to divert your inspection into areas of 'interest' to them, but not to you
- Don't allow the internal regulator to advocate on behalf of the organisation in front of those being inspected
- Don't criticise the internal regulator by association for finding shortfalls in the licensee/duty holder organisation
- Don't undermine the internal regulator's standing in the licensee/duty holder's organisation
- Don't expose the internal regulator to areas outside of their competence

13 APPENDIX 4 – ENABLING REGULATION

Definition:

‘A collaborative approach with duty-holders and other relevant stakeholders that seeks effective delivery against clear and prioritised safety (including nuclear safety, transport, conventional health and safety) and security outcomes.’

Key Principles:

‘Collaboration’ – it is recognised that this can lead to accusations that we are ‘too close to industry’. This is not the case. Collaborate does not mean compromise, but rather it requires regulators, duty-holders as well as other stakeholders (e.g. DECC, NDA) to focus on a common overall objective and work together to achieve the desired outcome.

Communication – we need to have agreed priorities and real trust between all stakeholders being clear about the outcomes we are seeking to achieve. It also means being very clear with other stakeholders, for example the public, about how we have made our regulatory decisions and the factors we considered when arriving at those decisions.

Independence – Although we may adopt a multi agency approach (e.g. Sellafield G6) in terms of collaboration with stakeholders on agreed activities, we must nevertheless retain a clear and transparent process, independent of this, when making our regulatory decisions.

Outcome focussed – Often we can get drawn into details and process issues with duty-holders that can generate diversions and distractions. We need to keep focussed on the outcome we are trying to achieve, considering all relevant factors and acting proportionately, to avoid this.

Pragmatic – In order to achieve some outcomes, it may be appropriate in some circumstances to accept a less than ideal solution. 80% right today is very often preferable to 100% right in the distant future.

Risk appetite – There are risks with operating in this way, for example a perception that we are working too close to industry; this could severely damage our reputation. We need to be clear that we understand the risks involved, but actively manage them and articulate to stakeholders why we are taking this course of action. It is important that ONR senior management/board accepts any risks being taken and is prepared to fully support those undertaking the work if the risk should materialise.

Strong internal governance and robust assurance – it is essential that we and duty-holders have strong and effective governance structures that are open and transparent; it is critical that ONR’s decision making continues to be demonstrably robust and that appropriate assurance processes are in place.

Avoid passive acceptance – seek fit-for-purpose solutions – we can contribute to an unhelpful outcome by passively accepting duty-holders’ proposals. This does not mean we tell duty-holders what to do, but we should challenge their proposals if we think that solutions they are proposing are disproportionate to the problems they seek to overcome. “Gold-plating”, leading to delays in safety benefits being realised, or sub-optimal use of scarce resource, especially in the public sector in times of austerity, is not desirable.

14 APPENDIX 5 – OFFICIAL NOTEBOOKS

Official notebooks should be used to record all regulatory activities, observations, evidence, judgements, actions or inactions that the inspector may ultimately need to justify enforcement decisions or rely on in legal proceedings (e.g. a court of law).

Use of Official Notebooks

Write your name and date started on the front, and date complete once finished.

Use them for recording:

- Licensee/duty holder name and details
- Date, start and end times associated with the entry
- Factual information relevant to the matter:
 - people spoken to, and their position/status
 - regulatory action taken (or not taken) with supporting reasons
 - observations made
 - advice given
 - inspector's powers used
 - legal requirements breached
 - measurements, sketches and photographs taken
 - details of any documents seen or copied
- Relevant information to support investigations:
 - details of interviews
- Collection of physical evidence

Ensure acceptable quality by:

- Writing clearly and legibly in black ink
- Making entries with no gaps, blank spaces, crossings out or over-writing

Official notebooks should be carried by ONR inspectors in all circumstances where it is possible that an entry may need to be made (e.g. when visiting licensee's premises). Official notebooks are issued to inspectors for their personal use, but remain the property of ONR and may be scrutinised by supervisors, or lawyers and court officials if used in evidence. Inspectors are responsible for storing their official notebooks safely and for retaining them until the information they contain is no longer required. Notebooks used in investigations should be kept until 6 months after conviction or until appeal has been heard (non-custodial)

15 APPENDIX 6 - CONCERNS AND WHISTLEBLOWING, COMPLAINTS ABOUT ONR

Processes are in place for anyone to raise a concern or complaint by submitting a form (available on the ONR website) to ONRenquiries. However, inspectors may occasionally be approached directly by licensee/duty holder staff, or members of the public. This may arise at face to face meetings during the course of site inspection duties, public meetings, or whilst in the office by telephone or email. It is important to correctly distinguish between concerns and complaints, and to ensure that the matters are reported via the relevant ONR process, so that appropriate action can be taken and recorded.

Concerns and Whistleblowing

Definition

Concerns are matters raised by employees or members of the public relating to wrongdoing in a workplace, in relation to a matter that ONR regulates (nuclear safety, nuclear security, radioactive materials transport, safeguards or health and safety).

ONR is a 'prescribed person/body' under whistleblowing legislation and employees who raise concerns that count as whistle blowing are protected by law. This is provided that certain criteria are met; particularly that the wrongdoing being disclosed is in the public interest.

Action by inspectors

The initial action required in response to a concern or whistleblowing is identical.

- Listen to the concern if raised in a face to face meeting, or contact the person raising the concern, if contained in an email or letter.
- Evaluate the concern and determine if relates to a matter that ONR regulates and whether there might realistically be an enforceable breach.
- If the concern is a matter that you consider should be taken forward by ONR, record information relevant to the concern:
 - Name and contact details of the person reporting the concern
 - Any requirement for anonymity
 - Details of the activity causing concern, who is affected, the location and the associated risks
 - How long the concern has been an issue and if it is likely to continue
 - Whether the matter has been reported to the licensee/duty holder; and if not, the reasons why
 - Other relevant information (e.g. photographs or documentation)
 - Then provide the relevant details to ONRenquiries via email, including any initial action that you have taken and any planned follow-up.
- Provide the person raising the concern with initial feedback on the action that you intend to take. If you do not propose to take the matter forward, then provide the concerned party with advice on how they can submit the concern via ONRenquires.

Complaints

Definition

Complaints originate from outside ONR, and are about ONR, in relation to a work activity for which ONR is responsible for regulating (nuclear safety, nuclear security, radioactive materials transport, safeguards or health and safety) and where a licensee/duty holder, employee or member of the public thinks that we may not have done our job properly.

Action by inspectors

- Listen to the complaint.
- If appropriate, try to resolve the matter with the person making the complaint.
- If the matter cannot be resolved advise that ONR has a process for dealing with complaints and provide them with details of how to submit a complaint to ONRenquiries.
- Provide details of the person making the complaint to ONRenquiries via email, including their contact details and the nature of the complaint. This action should be taken irrespective of whether the complaint has been satisfactorily resolved or not.