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| 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.
- 1.3 ONR inspectors should be familiar with and ensure that all regulatory activity is conducted in line with the Regulators Code, see 8.3. Information on ONR's regulatory philosophy is provided in Appendix 7 of this guide.

2 PURPOSE AND SCOPE

- 2.1 The purpose of this guide is to lay the foundations for all inspection activities undertaken by ONR inspectors. The same basic elements should be applicable to an inspector in any of ONR's functions i.e. nuclear safety, conventional health and safety including fire, security, transport, etc., including non-nuclear duty holders in the transport sector.
- 2.2 This guide underpins many other specific inspection guides available to the inspector, but particularly the Technical Inspection Guides (TIGs, the ONR-INSP-GD series) 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 International Atomic Energy Agency (IAEA) General Safety Requirements and the Regulatory Framework for Safety, GSR Part 1, Requirement 18, staffing and competence of the regulatory body, Requirement 29: Graded approach to inspections of facilities and activities, see 8.1, and the information in the IAEA-TECDOC-1867 - IAEA Handbook for Regulatory Inspectors of Nuclear Power Plants, see 8.8.
- 2.4 This guide uses terminology associated with nuclear safety inspection, the following terminology provides 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'.
 - Safety Assessment Principles (SAPs), Security Assessment Principles (SyAPs), TIGs and Technical Assessment Guides (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).
 - Safety case may be substituted by 'nuclear site security plan' or 'management arrangements'

3 PLANNING PHASE

- 3.1 Each Operational Division has Regulatory strategies for the inspection of licensees/duty holders. For each 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 Each site inspection should be on the IIS plan, if necessary, the IIS plan should be modified throughout the year to include different or additional inspections. For more detail on IIS plans, see ONR Guide GD-59, see 8.2.

- 3.3 Planned inspections undertaken by ONR are 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 usually required to enable sufficient evidence to be gathered to give a representative IIS inspection rating (see appendix 9 for guidance on rating).
- 3.4 Most inspections are planned. In such cases, the planning phase usually starts between 1 and 2 months before the inspection. This gives time for 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 licensees/duty holders and consider opportunities for brigading similar planned activities together.
- 3.5 In the interests of regulatory efficiency, opportunities should be considered for joint working, or taking account of separate inspections with:
- Other ONR operational functions;
 - the Defence Nuclear Safety Regulator (DNSR), for defence sites;
 - the environment agencies (where joint regulatory or enforcing authority interests apply);
 - Other regulators or government departments such as the Health & Safety Executive (HSE), on topics such as asbestos, construction, or COMAH policy;
 - the licensee's or duty holder's internal regulator, with other government departments, or relevant regulators.

If joint inspections are to be undertaken, ensure that the other regulatory bodies involved are consulted throughout all subsequent steps of this guide.

- 3.6 Some inspections are unplanned and arise typically because of events, incidents or accidents at the site or in a facility on the site or during transport of radioactive material or waste. In these cases, the initial planning phase will be part of the preparation phase. However, the inspector leading the inspection must consult the nominated site inspector (where applicable) to ensure that the site inspector is aware of all inspection activities taking place on their site and can support and provide up-to-date information on recent regulatory actions on the site.
- 3.7 For unannounced inspections, the full planning and preparation phases are 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 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. Information such as 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. The inspector needs to set aside sufficient time to undertake this pre-inspection preparation.

- 4.2 If the inspection is not undertaken by the nominated site inspector, preparation should include a discussion with the nominated site inspector on 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 and/or LC arrangements for the site, area and topics to be inspected. This information will usually be requested by the inspector in good time before the site inspection from the licensee or duty holder, since up-to-date information is unlikely to be held by ONR. Key information to extract from the safety case should include an understanding of what safety case claims are made on plant (including transport packages), processes and people relevant to the inspection to be undertaken.
- 4.4 Reviewing existing compliance information in advance of arriving on site 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 regulatory contact to obtain current copies of the compliance documents. The inspector should keep the nominated inspector informed of the interactions.
- 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 to be addressed during the inspection.
- 4.6 ONR provides guidance for most inspection topics. This includes the TIGs on licence conditions. It also includes general guidance across a range of topics, including emergency planning and exercises, leadership and management for safety, more specialist guidance within TAGs, as well as specific Security and Transport inspection guidance. Where relevant, inspectors should also make reference to guidance published by other regulators (such as the Health and Safety Executive (HSE) and the environment agencies), industry or international bodies, such as the 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 an understanding of the compliance standards that are expected. The scope of the inspection to be made should be defined and articulated through the preparation of an appropriate question set. Inspectors should ensure that others supporting them understand the guidance they are to apply.
- 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 in the interests of safety and of ensuring an effective inspection can be completed. 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 the 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

with caution as the changes may not have followed due process and may have been achieved by cutting corners.

- 4.10 For inspections of small to medium enterprises (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's or duty holder's staff to undue or unnecessary risks. The inspector, with the staff should undertake a point of work risk assessment 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 those given in Appendix 2, or similar licensee/duty holder processes can be helpful at this stage.
- 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 shall be used. 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 radiological protection local rules. Observe licensee/duty holder staff for correct procedure (e.g. barrier entry/exit procedures). See 8.9 for further information for ONR staff visiting duty holder sites with radiological hazards).
- 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 be understood.
- 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's or duty holder's procedures for information and physical security and comply with procedures for entry to and exit from the site. The necessary authorisations for taking laptops, mobile phones and other equipment on site should be obtained when required. 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 or inspection team should display the behaviours expected of a professional regulator throughout the inspection and give the licensee or 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 (see 8.2) sets out how ONR will undertake its regulatory business. These principles of enforcement apply to inspectors:
- Be proportionate when applying ONR guidance, when determining relevant good practice and when making regulatory decisions.
 - Target the most significant risks and hazards for the greatest attention.
 - Be consistent and prepared to explain your actions to the licensee or 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 or duty holder and other stakeholders.
- 5.10 The values and behaviours described in the Regulatory Nuclear Interface Protocol (RNIP) process (see 8.5) 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 or duty holder in a timely manner.
- 5.11 The expectations of the Regulators Code (see 8.3) 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 was influenced by the requirements of the Regulators Code and additional information is provided in Appendix 4 on enabling regulation.

Team working

- 5.13 Inspections can be completed by an ONR inspector or by teams of ONR inspectors. Inspections can be completed with other regulators (see para 3.5) and may also occasionally include staff from Technical Support Organisations (TSOs) 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 are undertaken. Such inspections have benefits including: supporting and building resilience in the internal regulator; learning from the site specific knowledge and experience of the internal regulator; demonstrating ONRs confidence in the internal regulator to the licensee organisation; etc. In all cases, the ONR inspector will complete an Intervention Record (IR), 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. For further information on the Challenge Culture, Independent Challenge Capability (including an Internal Regulation function), and the provision of Nuclear Safety Advice see 8.6.

Inspection process

- 5.16 Undertaking the inspection typically starts with an opening meeting with an appropriate representative (where applicable the LC owner) of the licensee or 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 may be explained.
- 5.17 At the start of each phase of the inspection, the most effective approach is generally to use open questions, 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). 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 or 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 (explained in Appendix 9) that will eventually be awarded and actively seek out evidence to determine the level of compliance.
- 5.21 The inspection typically concludes with a closing meeting with an appropriate representative (where applicable, LC owner) 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 or duty holder has committed to, or is expected to, make any changes as a result of the inspection, this should be confirmed in writing with the senior member of staff.

Inspection Rating

- 5.22 ONR uses inspection ratings information to track licensee or duty holder performance and to direct ONR resources accordingly. Guidance to inspectors on the rating of inspection findings is available in appendix 9 of this guide.
- 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.* If an inspection results in a rating of Green, the inspector may still identify topics for further improvement and offer observations or advice to the duty holder. If the inspector and the dutyholder agree that the observations or advice should be tracked, then the dutyholder should do this utilising their own system. For issues that the inspector wishes to track (e.g. a minor shortfall in compliance), then a Level 4 issue is to be raised in the Issues Database.
 - *Amber – Seek improvement.* If an inspection results in a rating of Amber or Red it is expected that the inspector will review the shortfall(s) against the ONR Enforcement Management Model, (EMM), see 8.11, and, where appropriate, record one or more Regulatory Issues at Level 3 or above to address the shortfall within the Intervention Record and on the Issues database. The remedial work required from the licensee would be proportional to the shortfall observed and consistent with the ONR Division’s regulatory strategy. Full details of the potential ONR response for consideration by the inspector are detailed in in Appendix 9. For an Amber rating, ONR will usually seek improvement.
 - *Red – Demand improvement.* If an inspection results in a rating of Red, the inspector will review the shortfall(s) against the EMM. Shortfalls if sufficiently serious will merit the use of ONR powers to compel compliance (e.g. improvement notice (IN), prohibition notice (PN), direction or withholding of a permission or potentially an investigation to establish whether a legal requirement has been broken). ONR will demand improvement.
- 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 or duty holder with a clear expectation that they will be improved. Local actions should be agreed where necessary with the licensee or 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 The rating is usually 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 or duty holder prior to leaving the site, or shortly afterwards, the rating can be modified if this seems appropriate to the inspector with the reasons recorded in the IR. Inspectors should consider corrections to their inspection findings suggested by the licensee or duty holder (e.g. the inspector interacted with the wrong person or that they were inadvertently misinformed).
- 5.26 The ONR Inspection Rating System is designed to provide an objective measure of licensee compliance “on the day” as determined by a planned inspection. As such, it is not appropriate to assign 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.

- 5.27 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

- 5.28 Inspectors should generally avoid distractions that may present themselves during the course of a planned inspection unless the observation may signify that a significant hazard or risk is present. Such matters may be drawn to the inspector's attention by the licensee or duty holder, or may be matters that the inspector identifies during the course of an inspection. Matters that do not indicate a significant hazard or risk being present should be recorded for follow-up separately.
- 5.29 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 should halt the planned inspection and commence follow-up of the contravention. Where practicable, this should be agreed at the time with the appropriate nominated or Superintending Inspector. Complaints or concerns that are raised by the licensee or duty holder, employees or members of the public, should be dealt with by following the guidance in Appendix 6.
- 5.30 Existing processes are in place for safety representatives to raise a concern or complaint by submitting a form via the ONR website. However, inspectors may occasionally be approached directly by safety representatives on site. As with guidance detailed in Appendix 6 of this guide it is important to distinguish between concerns and complaints and to ensure that matters are reported via the relevant ONR process. This will ensure that the appropriate action can be taken and recorded. Further information on engaging with safety representatives can be found in Appendix 8 of this guide.
- 5.31 Given the well-established nature of the GB nuclear sector and the overall adequacy of their arrangements for compliance with the licence conditions and relevant statutory provisions, it is unlikely that an inspector will need to use his / her powers. However, if the inspector uses any of his / her powers during the inspection, this **MUST** be stated to the licensee or 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 for the meeting (see Appendix 5).
- 5.32 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, he/ she should get a blank copy sent by the support teams to the licensee or duty holder and use this.
- 5.33 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). In such situations, the inspector should ensure that they and others withdraw from any high risk location; they should ensure that licensee or duty holder staff are aware of the situation and act to rectify it. If necessary, and where vires permits, inspectors should contact the ONR Conventional Health and Safety (CHS) team for advice and guidance which may include use of enforcement tools, up to and

including a PN, 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).

- 5.34 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, see 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 or 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. Further information on the Challenge Culture, Independent Challenge Capability (including an Internal Regulation function), and the provision of Nuclear Safety Advice see 8.6.

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 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 IR or a Contact Record (CR). Advice and guidance on the suitability of each is on HOW2, but in essence, an IR must be used for all rated inspections. It would be unusual to use a CR 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 is held at the site, and a brief inspection of the in-situ plant or processes is completed to aid understanding of the topics discussed, or when a rated inspection is undertaken of a "prospective licensee's" compliance arrangements prior to nuclear site licence application and grant, with the information used to inform ONR's view on the prospective licensee's readiness for "Nuclear Site Licence application and Nuclear Site Licence grant".
- 6.3 The IR or 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, 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 ONR's electronic document registry.
- 6.4 Either form of record, IR or CR, should follow the standard formats available on the ONR's management system. These ensure the basic information, of dates, facility or site, personnel, ratings (if appropriate), summaries for publication, etc., are contained within the record. However, for rated inspections of a prospective licensee's compliance arrangements prior to Nuclear Site Licence application and grant, the inspection rating will be recorded in IR format within a CR template, but will not be subject to issue into the public domain prior to Nuclear Site Licence grant.
- 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 that the evidence supporting the ratings and conclusions is 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 collated 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 ONR divisions generally publish the Executive Summary of each Intervention Record and share the full report with the licensee or duty holder. All of the record is potentially disclosable under Freedom of Information or Environmental Information legislation 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, Approved Codes of Practice (ACOPs) and ONR guides including this guide. Any feedback worth raising should be sent via ONR's management system process 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 or 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 division 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 (Rev.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’s Enforcement Policy Statement
- 8.5 ONR’s Regulatory Nuclear Interface Protocol
- 8.6 NS-TAST-GD-080 - Challenge Culture, Independent Challenge Capability (including an Internal Regulation function), and the provision of Nuclear Safety Advice
- 8.7 ONR generic risk assessments for transport inspection of industrial, medical, academic and research sectors – Trim 2016/254756 and 2016/254986
- 8.8 IAEA-TECDOC-1867 - IAEA handbook for Regulatory Inspectors of Nuclear Power Plants
- 8.9 ONR-IPS-IN-001 – Procedures under IRR 17 for ONR staff visiting duty holder sites with radiological hazards, CM9 ref. 2018/240211.
- 8.10 Holding Industry to account and influencing improvements in nuclear safety and security – Enabling Regulations in practice – published by ONR in January 2018
- 8.11 ONR-ENF-006 Enforcement Management Model

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, SyAPs, TIGs and TAGs may be substituted by ‘Appropriate Procedures and Guidance’
- 9.5 Site may be substituted by “Facility” or ‘Duty Holder’
- 9.6 Safety case may be substituted by ‘nuclear site security plan’ or ‘management arrangements’

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) 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 – HOLDING INDUSTRY TO ACCOUNT AND INFLUENCING IMPROVEMENTS IN NUCLEAR SAFETY AND SECURITY – ENABLING REGULATION IN PRACTICE – PUBLISHED BY ONR IN JANUARY 2018

ONR’s definition of enabling regulation in 8.10 is:

“A constructive approach with dutyholders and other relevant stakeholders to enable effective delivery against clear and prioritised safety and security outcomes.”

The features of a successful enabling approach are enshrined in the regulatory principles and can be summarised as:

- Building on regulatory good practices and successes.
- Ensuring priorities are established, understood and agreed.
- Being clear on legal duties and what is needed for compliance.
- Focusing on outcomes rather than process.
- Constructive, committed, open and early engagement to avoid surprises
- Ensuring solutions are fit for purpose¹ in meeting the requirements of the law efficiently and effectively.
- A willingness to address blockers, distractions and unnecessary bureaucracy.

An enabling approach also:

- Includes consideration of strategic factors in regulatory decision making; sometimes colloquially referred to as “programme or holistic ALARP”. Although ALARP (the legal duty to reduce risks to ‘as low as reasonably practicable’) usually features strongly in safety cases, the scope of the arguments can prove too narrow, particularly in complex cases, and ‘bigger picture’ factors also need to be considered in the regulatory decision.
- Recognises that the speed at which improvements can be realised is often a key aspect in the risk balance and a pivotal factor in identifying the best safety or nuclear security outcome.

ONR recognises that there cannot be a “one size fits all” approach to applying an enabling style of regulation to the range of dutyholders and safety and security challenges that are present across the industry. Instead, we need to ensure that we consistently apply the regulatory principles that underpin our activities as set out in our Enforcement Policy Statement. We should be:

- Proportionate in dealing with compliance gaps and securing compliance.
- Consistent in our approach
- Targeted on the most serious risks or those least well controlled.
- Transparent about how we operate, our decision-making and what dutyholders may expect.
- Accountable for our actions.

This is not new, but the UK Regulators’ Code now expects us to report on how we achieve these principles, as well as how we comply with the first provision of the Code, that we carry out our activities in a way that supports those we regulate to comply and grow. Consistently applying the enabling regulation principles described in this guide in our work will support our demonstration of compliance with the Code.

Fit for purpose means legally compliant, but appropriate to the particular risks that need to be controlled. What is fit for purpose on a high hazard decommissioning site may be different to other sites where the risks are under greater control. What is fit for purpose for a plant with a limited lifetime is likely to be different to a new plant with a potential 60 year lifetime.

Key principles:

1. We focus on clear priorities for safety and nuclear security, and communicate these to our dutyholders and key stakeholders.

- i. We agree strategic safety and security priorities with dutyholders, at an ONR Division level, taking cognisance of dutyholders' strategic business context.
- ii. We regulate in a manner that is aligned with these priorities, and avoid creating undue distractions from achieving them.
- iii. When improvements are needed, we are clear about what precisely is required for legal compliance, formalising this in a Regulatory Issue.
- iv. Wherever appropriate, we work with key stakeholders to identify common priorities and remove barriers to improving safety and security outcomes.
- v. To support continued compliance with the UK Regulators' Code, we carry out our regulatory activities in a way that supports growth for legally compliant dutyholders.

2. We are constructive in the resolution of agreed safety and nuclear security priorities.

- i. We work constructively with stakeholders to agreed common priorities where possible.
- ii. We focus on outcomes rather than processes.
- iii. Where we have raised a regulatory Issue, we agree reasonable timescales for achieving compliance and are proportionate in our subsequent regulation of the Issue.
- iv. We maintain our independence whilst seeking opportunities for early engagement to maximise the likelihood of achieving our goals.
- v. We will take into account well understood and managed risks when making decisions in the pursuit of strategic safety and security goals.

3. We aim for efficient, proportionate and consistent approaches to safety and nuclear security – without compromise of intent.

- i. We require solutions that are legally compliant while being fit for purpose within their context.
- ii. We encourage and facilitate the removal of undue bureaucracy and will challenge outdated practices.

4. We maintain public trust by targeted, transparent, risk-informed oversight of safety and nuclear security, and use our legal powers appropriately in the public interest.

- i. We undertake our inspections and other interventions in a targeted, risk-informed manner.
- ii. We only require what the law requires and we seek this in a non-prescriptive manner where possible.
- iii. Our presumption is that we publish information describing our activities and explaining our enforcement decisions. We also publish guidance documents such as our Enforcement Policy Statement and our guidance for inspectors, which set out the assessment and inspection processes and standards that we use to judge dutyholders' performance.
- iv. Where appropriate, we will take enforcement action in accordance with our Enforcement Policy Statement through the application of our Enforcement Management Model. An enabling regulatory approach does not prevent or curtail use of our enforcement powers to restore compliance or hold to account.

5. We actively promote the mature self-regulation of day-to-day safety and nuclear security by dutyholders.

- i. We recognise that the industry has an important part to play in maintaining the conditions where enabling regulation can be used effectively. We therefore set clear expectations for self-regulation by dutyholders, including governance, leadership, effective internal oversight, and culture.
- ii. We are clear and open about our expectation of right first time safety cases and security plans, and effective management of the supply chain.

- iii. We target our discretionary permissioning decisions to where they add value or where the risks are most significant or not well controlled.
- iv. Where we find repeat or significant non-compliance, we expect dutyholders to address the root causes and identify potential failures of their self-regulation, not just the non-compliance itself.

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). The correct use of notebooks aids compliance with the Criminal Procedures and Investigations Act 1996; the Criminal Justice and Licensing (Scotland) Act 2010; the Criminal Procedure (Scotland) Act 1995 and the Criminal Procedure (Scotland) Act 2016.

Examples of when official notebooks should be used may include;

- When conducting investigation activities.
- When the inspector considers or issues any form of notice under their powers i.e.: Prohibition Notices (PN) or Improvement Notices (IN).
- If the inspector uses any of their powers during the inspection, this **MUST** be stated to the licensee/duty holder and recorded in their official notebook with sufficient information to explain why and which power has been used
- When inspectors may be asked for advice on compliance during the course of the inspection

When undertaking other activities on site where the inspector judges a formal record may be required in a court of law or to justify formal enforcement

By adopting the examples above as a minimum approach, inspectors can be demonstrated as adopting RGP, however, if inspectors wish to use official notebooks for all regulatory activities then this is acceptable, provided they manage their notebooks and records accordingly as set out in this guide.

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 ONR enquiries. 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 ONR enquiries 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 ONR enquires.

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 ONR enquiries.
- Provide details of the person making the complaint to ONR enquiries 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.

16 APPENDIX 7 – REGULATORY PHILOSOPHY

Feedback has suggested that there is scope for greater clarity on ONR's overall approach to the regulation of nuclear safety and security to ensure that approaches adopted on the 'frontline' match organisational expectations. This is outlined below with amplifying notes:

- Concentrate on prevention of major nuclear accidents whilst at the same time regulating risks to workers.

The Regulatory body was set up to ensure that the safety of UK civil reactors would be properly regulated and the public protected from their hazards. Regulatory duties subsequently extended to other nuclear activities. ONR inspectors are responsible for enforcing all the legal provisions relevant to the nuclear hazard. This statement highlights the emphasis on the avoidance of a major nuclear accident that could affect the public and society in general, whilst at the same time including the challenges to the safety of workers; these challenges could also include precursors to wider events.

- Adopt a persuasive and influencing approach in the first instance to the remedy of compliance deficiencies, using powers under the licence, HSWA, and TEA13, as appropriate in accordance with the Enforcement Policy Statement.

This recognises that necessary improvements are more likely to be achieved when licensees themselves understand and are persuaded of their necessity, and that ONR's continual enforcement presence on nuclear licensed sites is such as to allow this persuasive effort to take place. This is unlike sites that are visited rarely where a more robust and direct approach may be appropriate in the first instance. At the same time, it does not preclude the use of such an approach when circumstances dictate.

- Develop and sustain an open and effective dialogue with licensees and other stakeholders.

This underpins the previous point. An open and effective dialogue is a pre-requisite to ensuring that licensees and others understand ONR's concerns and that ONR concentrates its attention on the right issues. Under the UK regulatory system it is the licensee who is expected to understand and control the risks on site and ONR's understanding is likely to be incomplete if it does not tap into this through an effective and open dialogue.

- Adopt a positive and enabling approach to the permissioning of activity when legal requirements have been met or the risk/compliance gap is such that it would be disproportionate not to grant a permission.

The permissioning policy is to grant a permission as an acceptance of the duty-holder's approach to identifying and meeting health and safety needs, as demonstrated through the health and safety documentation. The key to receiving a permission will normally be a description and demonstration of how duty holders manage their risks. Granting permissions requires balanced judgements on the nature of the proposed activity, always made on the basis of sampling inspections. This is difficult to do, and a sampling approach will never lead to certainty of view. It is relatively easy to err on the side of caution and recommend the disallowing of a permission when deficiencies are found in safety submissions, or insist that significant effort is devoted to making improvements to safety submissions before the permission is granted. This statement of philosophy suggests that permissions should not be disallowed simply because the safety submission is deficient, or a particular issue is not ALARP. Instead, it suggests that this line should be taken in a proportionate way when the risk/compliance gap warrants it.

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

Licensees' internal safety assessment, peer review, nuclear safety committee and compliance monitoring processes are all intended to ensure that proposed activity is properly judged before it is put to ONR. If ONR does not take sufficient cognisance of these, 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', clearly undesirable for a number of reasons. Apart from this, the development and support of effective internal regulatory process represents a significant gearing and leverage benefit.

- Adopt an approach to making and implementing regulatory decisions and intervention strategies that value all relevant inspector inputs and ensure that agreed lines are followed by all once decisions are made.

The business of determining regulatory priorities is far from straightforward. The proactive commitment of all inspectors' views and experience to this task will be an important element of the work that ONR managers have to do to ensure that interventions are proportionate and targeted. At the same time, once plans have been developed, all inspectors will need to follow these (subject to review) to remain proportionate and targeted.

17 APPENDIX 8 – MANAGEMENT OF INTERACTIONS WITH SAFETY REPRESENTATIVES

Processes are in place for safety representatives to raise a concern or complaint by submitting a form via the ONR website. However, inspectors may occasionally be approached directly by safety representatives on site. As with guidance detailed in Appendix 6 it is important to distinguish between concerns and complaints and to ensure that the matters are reported via the relevant ONR process to ensure appropriate action can be taken and recorded.

Under section 28(8) of the Health and Safety at Work Act 1974 and Schedule 8, Part 4 of the Energy Act 2013 inspectors have a legal duty to communicate with employees (or their representatives), to keep them adequately informed about matters affecting their health, safety or welfare. It is good practice to have a positive working relationship with site safety representatives; this may take the form of regular meetings or having well established channels of communication between inspectors and safety representatives, without site management present, to enable safety representatives to raise complaints and concerns in a protected disclosure environment. Benefits of this working relationship include accessing insight into site safety culture, working practices and site awareness of risk.

SAFETY REPRESENTATIVES

In order to best manage interactions with safety representatives it is important to understand the role and responsibilities that they have on site.

Health and Safety representatives' functions are given by law under the Safety Representatives and Safety Committees Regulations 1977. Health and Safety Representatives are appointed by trade unions to represent a group or groups of workers of a class for which the union has negotiating rights. However, this does not act as a limitation to representatives when raising general matters affecting the health and safety of employees as a whole. Fundamentally the role of a health and safety representatives covers three areas:

- Representation of employees to the employer in matters of health and safety.
- Inspection of the workplace.
- Inspection of documentation both for the purpose of health and safety.

They also will need to be given sufficient information and knowledge, by their employer, to enable them to play an informed part in promoting health and safety at work.

Safety representatives' have a legal right to:

- Represent employees in discussions with the employer on health, safety or welfare and in discussions with HSE or other enforcing authorities
- Investigate hazards and dangerous occurrences
- Investigate complaints; carry out inspections of the workplace and inspect relevant documents
- Attend safety committees
- Be paid for time spent carrying out their functions, and to undergo training.

Guidance given to safety representatives states the procedure to follow when there is a breach in the law relating to safety. Firstly the safety representative will raise the issue with a senior representative or union official. "However, if a serious problem remains, and after discussion with their union, a health and safety representative may consider contacting the ONR". Guidance also states "In all cases where there is a serious risk to life or limb which cannot be prevented by notifying your employer, safety representatives should contact their union and the ONR immediately".

Guidance for Inspectors

All meetings with safety representatives, without management present, will usually be treated as a protected disclosure environment. Where there is a disclosure inspectors should make clear to the safety representative what they intend to do with the disclosure they receive. There may be cases where no action is required and again it is important to convey this across to the safety representative to ensure a trusting relationship is maintained between all parties. Once any action has been carried out inspectors are required under 28(8) of the Health and Safety at work act to inform safety representatives of the action taken.

It should be noted that it is important for inspectors to not get drawn into non safety matters such as pay, terms and conditions not affecting safety and general grievances which do not affect safety.

Inspectors should respond to approaches by safety representatives as detailed in Appendix 6. However inspectors must always maintain awareness of the responsibilities of a safety representative. As such, any approach by a safety representative which highlights a safety concern must be taken seriously and any appropriate action taken.

HSE guidance: <http://www.hse.gov.uk/involvement/hsrepresentatives.htm>

18 APPENDIX 9 – INSPECTION RATINGS GUIDE

To use this guide, inspectors should identify applicable indicators from the list based on their inspection findings. Then select an appropriate rating which is the best fit, overall.

The majority of licensees and duty holders should be operating predominantly with a rating of Green.

(The rating scale from the previous system is provided for information only and does not form part of the current rating system).

| Indicative Inspection Findings | Rating | Previous System | ONR Response | |
|---|--------|------------------------------|---|--|
| <ul style="list-style-type: none"> Relevant good practice generally met, or minor shortfalls identified, when compared with appropriate benchmarks. Legal duties complied with, although there may be minor contraventions of specific administrative requirements. No significant shortfalls identified in the delivery of safety or security functions. Relatively minor, if any, deficiencies in compliance arrangements. Minor failure to implement, compliance arrangements. Only limited opportunities exist to fully reduce risks to ALARP or enhance security measures. There may be some examples of best practice which have been observed and recorded. | Green | Exemplar | No Formal Action <ul style="list-style-type: none"> Provide feedback at the closeout meeting on the rating and key points from the inspection to be recorded in the IR or other record. If appropriate, provide advice on how to address any identified areas for improvement. Expect the licensee/duty holder to address any identified improvements and manage resolution via their internal management controls. Make a Level 4 Regulatory Issues Database entry for minor compliance shortfalls, if necessary, to monitor licensee/duty holder progress. Record any examples of best practice in the IR and acknowledge these to the licensee/duty holder. Record advice given regarding continuous improvement and best practice. | |
| <ul style="list-style-type: none"> Significant shortfall against an identified relevant good practice when compared with appropriate benchmarks. Specific legal requirements not met, but without prejudice to overall nuclear safety or security objectives. Inconsistent standards for managing risks to workers; with some key relevant statutory provisions not met. Specific significant weaknesses identified in delivery/implementation of safety case requirements. Significant or systematic failure to implement or meet compliance arrangements. Failure to maintain approved security arrangements, but with principal barriers remaining intact. Deficient arrangements for compliance with legal requirements. Systematic failure to comply with administrative legal requirements. | | Below Standard | | Seek Improvement <ul style="list-style-type: none"> Provide feedback at the closeout meeting on the rating and key points from the inspection to be recorded in the IR or other record. Identify and discuss any significant shortfalls with the licensee/duty holder, at an appropriate level. Review the shortfall(s) against the ONR Enforcement Management Model, ONR-ENF-GD-006. Make one or more Regulatory Issues Database entries at Level 3 or above to log the enforcement communication and to track progress. Follow-up and close out the Regulatory Issue when complete. |
| <ul style="list-style-type: none"> Absence or failure of one or more principal barriers claimed in the safety case. Major failure to maintain arrangements in the approved security plan. Shortfalls in safety or security requirements resulting in significant avoidable risks to the public or workers, generally with at least one contravention that gives rise to a discernible risk gap under the EMM. Major non-compliance with defined or established standards necessary to ensure safety or security. Failure to deliver improvements previously identified in ONR enforcement communications. Persistent failure to meet administrative legal requirements, multiple warnings having been given. | | Significantly Below Standard | | Demand Improvement <ul style="list-style-type: none"> Provide feedback at the closeout meeting on the rating and key points from the inspection to be recorded in the IR or other record. Raise the identified shortfall(s) with the relevant licensee/duty holder leadership and note the potential for enforcement action. Draw the matter to the attention of the relevant Delivery Lead. Review the shortfall(s) against the ONR Enforcement Management Model, ONR-ENF-GD-006. Make one or more Regulatory Issues Database entries at Level 1 or 2 to log the enforcement communication and to track progress. Consider if a holding to account, or similar meeting, with the licensee/duty holder is appropriate. Plan and execute a follow-up inspection. Close out the Regulatory Issue when complete. |