

THE ICL INQUIRY

Chairman: The Right Honourable Lord Gill

Professor Phil Taylor
Professor of Work and Employment Studies
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The ICL Inquiry
3rd Floor,
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59-63 George IV
Bridge,
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EH1 1RN

26 November 2008

Dear Professor Taylor and Colleagues

ICL Inquiry – Strathclyde Report

Thank you for your letters of 17 and 12 November. The Chairman was shown your letter of 12 November as soon as the Inquiry Team was alerted to its existence.

I am sorry that its receipt was not acknowledged at the closing of the public hearings. A notice will be placed on the website, together with a link to your letters and a copy of this letter. Copies of these will be sent to the Core Participants. Your email of 12 November indicates that it was received in the Inquiry office at 14.53 p.m. on 12 November. The Inquiry inbox was checked by more than one person that day, and I regret that I am unable to explain why your email was not seen until 17 November.

The Chairman is familiar with your Research Report and read it before the setting up date of the Inquiry. Counsel to the Inquiry and I read it soon after. The Chairman also read your Statement of Case dated 15 May as soon as it was received. It is specifically referred to in the Consideration of Statements of Case dated 9 June 2008. Both documents were posted to the website.

The Chairman has conducted his Inquiry in accordance with his precise Terms of Reference. The Chairman appreciates that, as academic researchers, your interest in the explosion extends beyond the narrow questions of the causation of the explosion and the regulatory environment relating to LPG installations in industrial and commercial premises. It is appreciated that you consider it important that more general considerations should be taken into account and that such considerations would include your interest in the position of workers and employers generally in relation to the Health & Safety legislation, the regulation of companies and the possibility of criminal sanctions. The Chairman does not regard these wider questions as being within the scope of his remit.

It was good of you to indicate your willingness, as a multi-disciplinary research team with specific areas of expertise, to attend the Inquiry and to contribute to the discussion. It seemed to the Chairman, however, that since none of your team was directly involved in the site before the disaster, or in the ensuing investigation, you would be unable to provide direct factual evidence in Phase 1. For the reasons indicated, the Chairman did not consider that the wider

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issues you sought to raise were appropriate for consideration in Phase 2. That seems also to have been the view of the Core Participants, none of whom relied on your Report or sought to lead any of your team as a witness.

The Chairman has requested me to assure you that he has throughout kept in mind the various issues that are highlighted in your Report and in your Statement of Case and will continue to do so when preparing his Report.

The Chairman has carefully considered the information received concerning Mr. Connelly and has concluded that it raises matters that are outwith his Terms of Reference.

Your own Report pre-dated this Inquiry and is readily available. Since it was not prepared for the purposes of the Inquiry, and in the Chairman's view, covers matters that fall outwith the scope of his remit, it will not be placed on the Inquiry website.

Although the Chairman has formally closed the public sessions of the Inquiry, he is willing to entertain any further representations that may be made to him on matters falling within the scope of his remit. If there are such matters that you feel would be helpful to him, he would welcome any further written submission that you would care to make. It would be appreciated if any such submission could be received by 9 January next.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jillian Glass', written in a cursive style.

Jillian Glass
Solicitor to the ICL Inquiry

Right Honourable Lord Gill
Chairman ICL Inquiry

Inquiry Secretariat
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17 November 2008

Dear Lord Gill,

As members of the research team who authored the *'The ICL/Stockline Disaster – An Independent Report on Working Conditions Prior to the Explosion'* we are writing following the letter we emailed to the Inquiry Secretariat on 12 November 2008. In this letter we raised a number of issues regarding the ICL Inquiry, given that the second phase was about to close.

First, we expressed surprise that we had not been contacted by the offices of the Inquiry to illuminate some of the circumstances surrounding the ICL disaster which had been the subject of our study and which was one of the key elements in the Inquiry's remit. We repeated the offer made in our initial communication with the Inquiry Secretariat on 15 May for members of our team with expertise in particular areas germane to the Inquiry to attend in person and provide clarification. We are disappointed that we received no acknowledgement of our initial offer, nor did we receive acknowledgment of our communication of last week.

Second, as you recall we submitted six copies of our report to you in May 2008 although we received no acknowledgement from you of the receipt of our report. In our letter to you last week we requested that our report be posted on the ICL Inquiry as a document containing information of relevance to the Inquiry. We would be grateful if you could provide a response to this request.

Thirdly, we indicated in last week's letter to you perhaps our greatest concern, that Mr. Laurence Connelly (an ex-employee of ICL) had not been called to give testimony to the Inquiry. To repeat the principal issue; Mr. Connelly had raised with the Health and Safety Executive and his constituency MP profound concerns which he believed existed with health and safety policy and practice at Grovepark Mills *two years before* the disaster. Mr. Connelly had also submitted to the Inquiry written correspondence between himself, his M.P and the HSE, which was not posted on the website. It would be helpful for an explanation as to why the Inquiry believed that Mr. Connelly's testimony would not have contributed to the objectives of the Inquiry.

Kind regards,

Professor Christine Cooper, University of Strathclyde (Accounting)

Dr. Andrea Coulson, University of Strathclyde (Accounting)

Thomas Gorman, University of Stirling (Health and Safety and Welfare Rights)

Jim McCourt (Employment Rights and Health and Safety)

Professor Phil Taylor, University of Strathclyde (Employment Relations)

Professor Andrew Watterson, University of Stirling (Health and Safety)

Dr. David Whyte, University of Liverpool (Corporate Crime)

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Right Honourable Lord Gill
Chairman ICL Inquiry

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12 November 2008

Dear Lord Gill,

As the Second Phase of the ICL Inquiry draws to a close, we are writing to you to express our surprise and indeed our concern that 'interested persons' have not been given the opportunity to provide oral testimony to the Inquiry.

We recall that the initial stated terms of reference for the Inquiry included the determination '*To inquire into the circumstances leading up to the incident*', '*To consider the safety and related issues arising from such an inquiry, including the regulation of the activities at Grovepark Mills*' and '*To make recommendations in the light of the lessons identified from the causation and circumstances leading up to the incident*'.

We note also the protocols for the Inquiry indicated that there would be two distinct phases as indicated in the Procedures document. The first would address '*the factual circumstances leading to the explosion*' and the second would '*address the regulation of the activities at Grovepark Mills in the light of the safety and related issues arising from those circumstances and the lessons to be learnt from the causation and the circumstances that led up to the disaster and consideration as to the recommendations that might be made to Ministers*'.

Consequently, in the light of the original terms and the remit for the second phase of the inquiry, which both underscore the importance of considering the wider *circumstances* of the disaster and not merely its immediate causation, we believe that our report '*The ICL/Stockline Disaster – An Independent Report on Working Conditions Prior to the Explosion*' (<http://www.hazards.org/icldisaster/fullreport.htm>) provided important relevant material and posed significant questions that the Inquiry would need to address.

As we indicated in a letter to you dated 15 May 2008 and in an accompanying document 'Key Issues and Questions for the ICL Inquiry', which are posted on the Inquiry website, we detail issues in relation to the management of health and safety at ICL, regulation particularly the role of the Health and Safety Executive, (but also in relation to the built environment) and the wider Scottish contexts which we believe are germane to the Inquiry. We received no acknowledgement from you following this submission. We also submitted to you copies of our report which has not been

listed on your website as a relevant document. We would request that our report is now posted as a relevant document.

As members of a multi-disciplinary research team with specific areas of expertise, we offered our willingness to attend the inquiry and to contribute to illuminating the circumstances surrounding the disaster based upon our researches. Once again, we proffer our willingness to participate in person even at this late stage of the Inquiry.

Perhaps our greatest concern though relates to the fact that Mr. Connelly has not been called to give testimony to the Inquiry. As you recall Mr. Connelly raised profound concerns regarding health and safety at Grovepark Mills with the HSE two years before the disaster. This is a matter of established record and is documented in correspondence between Mr. Connelly and his constituency M.P. and in our report. Mr. Connelly must surely be regarded as a key witness who can provide vital information on issues of workplace governance and regulation in the period preceding the disaster. We find it very surprising that Laurence has not been called to provide additional testimony that could expand upon his brief written submission as an interested party.

Kind regards,

Professor Christine Cooper, University of Strathclyde (Accounting)

Dr. Andrea Coulson, University of Strathclyde (Accounting)

Thomas Gorman, University of Stirling (Health and Safety and Welfare Rights)

Dr. Stirling Howieson, University of Strathclyde (Architecture and the Built Environment)

Jim McCourt (Employment Rights and Health and Safety)

Professor Phil Taylor, University of Strathclyde (Employment Relations)

Professor Andrew Watterson, University of Stirling (Health and Safety)

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