

ICL INQUIRY STATEMENT

MICHAEL DAVID WILCOCK

Brief Career History

1. Prior to joining the Health & Safety Executive (HSE) I obtained a degree in applied chemistry. Between 1974 and 1977 I worked in the chemical industry in both the UK and France.
2. I was recruited into HSE as a Trainee Inspector on 31 July 1978.
3. I was recruited to a post in Glasgow. In 1984 approximately I was transferred to Leeds where I continued to work as an Inspector. I was promoted I think in 1989 to Principal Inspector in Leeds. In 1990 I moved on secondment to Brussels where I worked for 3 years. Between 1993 and 1997 approximately I worked in Baynards House and then Rose Court as Head of Strategy and Special Projects working mainly for John Rimmington and Jenny Bacon.
4. In 1997 I moved back into Field Operations in the Manufacturing Sector particularly the National Interest Group for paper and printing based in East Grinstead. I was temporary head of Manufacturing Sector for a short period in early 2002. After that I moved to Rose Court as the Injuries Reduction Programme Manager and I am now both Injuries Reduction Programme and Fit3 Programme Manager.

Training

5. I am asked about the training which I received. I cannot remember it in very much detail. I was recruited as a Class 2 Trainee (IIT) which I remained for my first 2 years in HSE. From late 1978 to early 1979 I did a full time 6 month diploma course in Occupational Health & Hygiene at the University of Aston in

Birmingham. I also remember during my probationary training and beyond that there were a large number of training courses both technical and legal. I remember some training on Scottish Legal matters. I can't remember the detail of any of these courses. On satisfactory completion of my probation, which would have been certified by the Principal Inspector and Training Manager I became a Class IIQ. At the end of my third year I was regraded to a 1B which is roughly equivalent to a current band 3. This would have been around July 1981.

6. We will deal with my visits to Grovepark Mills later, but this means that when I first visited in April 1980 I was a Class II Trainee i.e. I was not signed off as Class IIQ until July 1980. When I visited in 1982 I was qualified but I was a relatively junior 1B.
7. I have no recollection of any training that I received in fire or explosion risk or any training I received in liquified petroleum gas (LPG). I do remember the title of the Highly Flammable Liquids and Liquified Petroleum Gases Regulations, but at this distance in time I can't say more than the fact that I remember I knew about them.
8. When considering HSE's file in advance of this statement I read through the papers and there is a reference in Alistair Gunn's report to LPG Guidance Note CS5. That reference rang a bell with me as a document of which I had previously been aware. However I remember no details of it and I certainly can't remember its content. The best way to put it is that that is a document to which I remember making reference as an inspector in that period.
9. I have no recollection of any other LPG Guidance of which I was aware around the time of my visits to ICL. I remember we did get a large number of instructions as inspectors issued to us to use when doing our jobs but I can't remember any of the detail that long ago. I cannot remember any specifically relating to LPG.

10. One thing I do remember was that there was a very structured training programme. Decisions you took as a Class 2 Inspector were always referred to the Principal Inspector. It was required that we put a note to the Principal Inspector of the decision we were taking and they would often question those decisions. I remember at the time you had to summarise all your weekly visits on a sheet and they would sign those off. Sometimes dialogue took place if it was appropriate. You couldn't sign your own letters until the Principal Inspector agreed that you could and you will see that some letters to ICL were signed off by my then Principal Inspector, Mike Waring. He was my Principal Inspector in 1980 during those visits and in 1982 the Principal Inspector was Monica Finan.

Visits to ICL

11. I cannot remember these visits at all. I cannot even remember the premises. I can therefore not remember what I did in advance of the visits in terms of familiarising myself with the premises or any issues relevant to the premises.
12. However, I can say that my custom and practice was to read what was in file 251A (which was the factory record). I would read this going back perhaps 2 or 3 visits and I would read the copies of the correspondence. Document 251A was kept up to date by the Group Clerk. If it seemed from that reading of the file there was an issue I was to look at or if there was an accident I needed to follow up I would refresh my memory about the particular process, the relevant regulations or whatever. I've no reason to think that I wouldn't have done that in this case.

Visit of 29 February 1980 [ICL/011416]

13. If you look at the visit report records you can see in the first column under the heading "date and type of visit" that the visit is marked FI/A. What that means is that it was a visit to investigate an incident or an accident. Underneath that there is FPSV. This means this was a Planned Special Visit. At that time there was a requirement to do a number of special visits to premises to pick

up on certain key issues. It seems from this note that one of the issues was extraction systems. Although the phrase "Planned Special Visit" is used it's possible that I did not know in advance that there was an extraction system on this site, but I simply took advantage of being there to fulfil the requirement to have done a PSV in relation to extraction systems.

14. In the column number 3 under action proposed you'll see that the letter "L" is there as is a phrase "L to employees". That means that I sent a letter to the company and a letter to employees.
15. F587 is the report of the accident and F590 is the legal opinion or "process papers". All of these documents appear in the HSE file.
16. I have no recollection of this visit.

Visit of 8 May 1980 [ICL/011416]

17. Continuing on the HSE file reports and visits, it's recorded that a telephone call was received on 23 April 1980 asking for a talk to safety representatives about woodworking machinery. Following up from that in column number 4 a PSV is fixed for May 1980.
18. The file shows that on 8 May 1980 I attended to give a lecture on Health & Safety. Once again I can confirm that I've no recollection at all of this visit. One could say that the fact they are asking for such a lecture means they were at least trying to manage health and safety. I don't think it was unusual to have such a request.
19. You will see the reference in column 2 a proposal to "reduce the OR" in this case and in column 3 an amendment of the FI83. At the time the FI83 process determined how frequently a company was visited. One of the rating factors was the company's attitude to health & safety. Whilst I have no recollection of this visit the note of the visit and the instruction to amend the FI83, implies that I reduced the level of rating based on the company's attitude

to health & safety improving. That could have reduced the frequency at which the company would have been visited.

20. You will see that the entries are initialled by Mike Waring the Principal Inspector.
21. The next interventions with the factory were not taken on by me but by others. There could be any number of explanations for that. It was possible I was on training elsewhere and it was possible I was working in the construction divisions. There is certainly nothing unusual about that.
22. I noticed when reading the records that there is no Principal Inspector sign off following Sue Johnston's check visit in April 1981.

Visit 19 November 1982 [ICL/011423]

23. My next contact with the factory appears to have been on 19 November 1982. You will see from my letter dated 10 December 1982 to the Procurator Fiscals' office that I attended at approximately 10.00am. I have no recollection of the visit. I think it possible that because the meeting was quite early in the morning that perhaps I'd simply picked up a ringing phone from Strathclyde Police wanting someone from HSE to attend. I may have attended immediately. It emerged that the death was simply natural causes.
24. You will see that if you look at column 4 under assessment in relation to the 19 November 1982 visit I have indicated "CV as above immed". I don't remember why that was. However, if one looks at Sue Johnston's handwritten note from February 1982 on the previous page you will see that the case had been put forward for a check visit in May 1982. It's possible that on considering the file in association with my visit on 19 November 1982 I noticed that the May 1982 visit had not taken place for that reason. I had put it out for an immediate check visit which would be the visit recorded in the next entry on 17 December 1982.

Visit 17 December 1982 [ICL/11423]

25. Once again I have no recollection of the visit. I would have read the file and in particular Alistair Gunn's report and Sue Johnston's letter to the company. I say that because it is clear that LPG was a topic that I covered and it is clear from the company's reply to me dated 20 December 1982 that they are making reference to Sue Johnston's letter of 24 March 1982. That leads me to infer, although as I've said I've no recollection, that the check visit was specifically in relation to the letter written by Sue Johnston on Alistair Gunn's recommendations.
26. I do not know why Alex Keddie thought in 1988 that the work was not complete but there were 6 years between my visit and his, and the installation could have been changed or further amended.
27. As far as I can recollect or can gather from the HSE file which I have read I had no other contact with these premises after December 1982.

I confirm that the contents of this statement are true

Witness Signature _____

Dated _____