

## ICL INQUIRY STATEMENT

### TRACEY DOWNIE

1. I am Tracey Downie. My date of birth is 26/08/1965. I am employed by ICL Plastics Ltd as an Insurance Administrator.
2. I started working for ICL Plastics Ltd as an Insurance Administrator in July 2003. Prior to that I worked for one of the subsidiary companies Brisbay Ltd. I can't recall precise dates but I think I started working with Brisbay in 1998 and left in 2001.
3. As Insurance Administrator for ICL Plastics Ltd, I attend meetings with the insurance brokers as ICL Plastics Ltd's representative. I am involved in insurance policy renewal negotiations with the brokers. I also process any insurance claims arising through ICL Plastics Ltd and subsidiary companies. ICL Plastics Ltd are a holding company for the group and they handle the insurance, personnel and wages for the subsidiary companies.
4. In addition, my remit also involves advising Directors of any forthcoming changes in Health and Safety (H & S) Legislation in case they are not aware of them. This information is gathered from logging on to the HSE website or AIRMIC website (A Risk Analysis Company).
5. My understanding is that responsibility for Health & Safety policies and risk assessments rests with the Directors of the individual subsidiary companies.

### **Disaster Recovery Plan**

6. I was shown the Disaster Recovery Plan [ICL/12718-12719]. I first came into contact with this document after it was brought to Campbell Downie's attention, about two or three weeks ago. I was asked to look at some zip disks, and I found it on one of those. These zip disks were

recovered from the site and handed back to us after the accident. I have no knowledge about when the document was produced, how it was produced or by whom it was produced originally.

7. It is very difficult for me to say whether this document **[ICL/12718-12719]** is something that would have been produced by ICL Plastics or their subsidiaries. I note that this document does not have a date, and that the ICL logo is on the opposite side to the normal ICL letterhead. I also notice that the document is not signed, so there is no indication of who created it. The reference number is ambiguous, and doesn't refer to a particular person. "DRP/D1" may refer to it being "Draft 1" but again that is not clear. However, I honestly couldn't say whether this was something I would expect the company to produce.

8. While it is outside my remit and scope of knowledge to say, I am asked what I expected a Disaster Recovery Plan to look like, I would expect it to be a big, thick document, rather than an eight point plan like this. Aside from that, this is not what I would consider to be a Disaster Recovery Plan.

9. I was shown a Note of Meeting between myself and Linda Mullen dated 2<sup>nd</sup> October 2003 **[ICL/013417- 013421]**. I note that on the fifth page of that Note **[ICL/013421]**, I confirmed to Linda Mullen that there is a Disaster Recovery Plan in place for ICL Plastics Ltd I do recall this meeting because it was my first renewal meeting following taking over responsibility for the insurance from Margaret Brownlie in July 2003. My memory relates to things at the beginning of those Minutes regarding the renewal of existing insurances rather than the "Any Other Business" and Business Recovery Insurance at the end. I can't recall the context of the Disaster Recovery Plan question. I can't remember how I found out that ICL Plastics had one in place. I suspect I would have asked Margaret Brownlie but I didn't see one or hadn't seen one before this meeting. I really can't remember how I knew that ICL Plastics Ltd had one in place.

10. Regarding "Year 2000 Computer Compliance" [ICL/13699], [ICL/13740]. I was asked if I knew whether ICL Plastics Ltd had a Y2K plan in place. I was working for Brisbay Ltd at that time. I cannot remember whether there was a formal "Y2K" plan in place within that company, although I think that everybody in the UK at that point in time was preparing for the year 2000.

11. I am referred to various other documents amongst Marsh's files. In particular [ICL/013698, 013699, 013719 and 013720]. It would appear that in August 1999 as part of a number of improvements required of ICL Plastics Ltd, Marsh requested that all companies produced a Disaster Recovery Plan. It would seem that this was agreed notwithstanding the fact that we did not require Business Interruption Cover and it was not a precondition of any other insurance covers. It would seem that Margaret Brownlie confirmed to Marsh that all subsidiaries had been asked to produce a Disaster Recovery Plan and then I later (in 2003) confirm that a Plan is in place. I wasn't aware prior to seeing this information that Marsh had requested production of a Disaster Recovery Plan or of any response made. I have not seen these documents before.

12. I cannot say whether the Disaster Recovery Plan [ICL/12718-12719] would have satisfied the insurance company, if it had been produced for them.

#### **Insurance claims – non motor claims in the last ten years**

13. I have been shown a number of documents recording the number of Employers Liability claims for the ICL Group from 1994 to the date of the tragedy in 2004. (Reference is made to [ICL/013653], [ICL/013744], [ICL/013745] and [ICL/013748]). It would appear that during these years there were a total of five claims one of which related to Brisbay Ltd. They were all minor EL claims. With reference to page 407 [ICL/013745], I note that the insurers note that we have a low accident rate. I do not have direct knowledge of these claims, however, so it is difficult for me to speak to these any further.

**Disaster Recovery Plans – Comparisons**

14. I have checked with the individual subsidiary companies as to whether they possess any Disaster Recovery Plans which could be used as a comparison to this one. There are none.

15. I confirm that the contents of this statement are true.

Witness signature

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Date

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## Supplementary ICL Inquiry Statement

### Tracey Downie

1. I am Tracey Downie. My date of birth is 26/08/1965. I am employed by ICL Plastics Limited as an Insurance Administrator.
2. During the period July 2003 to 11 May 2004 I was author to two reports. The first "Insurance, Risk Assessment and Health & Safety Administration Quarterly Report to Chairman and Financial Director" circulated September 2003 which was referred to in the inquiry and discussed in some detail during my interview at the Procurator Fiscal's office. The second report "Insurance Report by Tracey Downie submitted to the Board of Directors of ICL Plastics Limited and its subsidiaries." circulated February 2004.
3. These reports were not part of established practice. They were written ad-hoc of my own volition at a time when I was trying to establish a means of communicating my thoughts, from my perspective as insurance administrator, and relating insurance issues to the board of directors.
4. I confirm that the contents of this statement are true.

Witness signature \_\_\_\_\_

Date \_\_\_\_\_