

# **Guidelines for Independent Incident Reviews and Reporting**

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**Submitted by**

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### 1. Background

There has been considerable variation in the way offshore sailing incidents are reviewed. Offshore sailing is regarded as a sport and thus not subjected to the same level of mandatory reporting and incident investigation as commercial vessels and international shipping. There are, however, many examples of offshore sailing incident reviews that have highlighted valuable lessons. These reviews have led to improved safety through appropriate amendments to the Offshore Special Regulations (OSRs), Standards, Plan Review, and racing rules that govern the sport and the administration of events, and also to enhanced equipment development by manufacturers.

As the international governing body for sailing it is appropriate for World Sailing to ensure that reviews of significant incidents and boat or equipment failures are conducted and that lessons learned are available to the sailing community. When a significant incident or boat or equipment failure is not being reviewed by local authorities, or when other reports will not be made public, it may be appropriate for World Sailing to conduct a review, report on lessons to be learned, and make recommendations.

### 2. Purpose

This document provides guidelines for World Sailing's appointment of a working party to review an accident or serious boat or equipment failure in offshore sailing globally and to produce a review document of facts found and recommendations to reduce the likelihood of a recurrence. The objective of the review would be to improve safety in offshore sailing by establishing the facts and making safety recommendations. The review should **not** apportion blame on any person or organization. The review should be initiated as soon as practicable after the incident to ensure access to relevant and current information that is fresh in the minds of those involved.

### 3. Implementation

- A. Review Initiation: The chairman of the Special Regulations Sub-Committee, in consultation with the chairman of the Oceanic and Offshore Committee and with the assistance of the World Sailing Technical & Offshore Office, may decide to initiate a review of an accident or a series of boat or equipment failures. The intent of the review would be to provide important lessons for offshore sailing safety or for the evolution of the OSRs, Standards or Plan Review.
- B. Terms of Reference: When it is decided to review an incident or series of boat or equipment failures, World Sailing will produce terms of reference to provide a clear directive for the review and ensure World Sailing receives the desired outcome. This is normally a short document, less than two pages in length and should include:

- a. an outline of the matter to be reviewed,
  - b. the tasks to be completed by the review Working Party (WP):  
finding facts, determining relevant sources of information,  
contacting affected parties, producing a report,
  - c. any restrictions that may be placed on the review,
  - d. the appointment of a chairperson, project leader and other WP  
members,
  - e. an initial list of available documentation, records, involved  
parties, and authorities to be consulted,
  - f. a timeline which should be not more than 12 months, and
  - g. an indicative budget.
- C. WP Composition: The WP should comprise at least three members, including the chair and project leader. The maximum number should be restricted, normally to five people, in order to provide a manageable group with an appropriate range of expertise to complete the task. A list of potential WP members is to be maintained by the World Sailing Technical and Offshore Office, with their areas of competence.
- a. WP Chair: The chair should be an experienced sailor accustomed to working with associations, authorities and companies.
  - b. The project leader should have a similar skill set to the chair and be an experienced project leader with good writing skills and command of the English language in order to produce a professional report. Depending on the nature and complexity of the review, the chair and project leader could be the same.
  - c. No person is to be appointed to the WP who:
    - i. has been involved in the incident to be reviewed, or
    - ii. has a conflict of interest in the persons, boat or equipment failures being considered for review.
- D. Costs and Expenses: The costs and expenses of the review will be borne by World Sailing. The World Sailing Technical & Offshore Office will provide administrative support to the WP and will coordinate the initial establishment of the WP, but the administration responsibility will transfer to the project leader as the review gets under way.
- E. The World Sailing Technical & Offshore Office will inform all relevant parties that World Sailing has appointed a WP and will seek the relevant parties' cooperation and assistance with the review. Addressees should, where appropriate, include the relevant:

- a. national sailing authority(ies),
- b. event organizing authority(ies),
- c. owners and persons in charge of the boats involved,
- d. any relevant third parties,
- e. local maritime authorities and Maritime Rescue Coordination Centers,
- f. any maritime investigation board that might be involved,
- g. insurance companies,
- h. designers and equipment manufacturers, and
- i. any other relevant person or authority. (Authorities responsible for maritime investigations can be found at: <https://gis.imo.org>)

4. Procedures:

- A. After appointment of the WP, the chair should initiate a teleconference and distribute an outline in advance of the meeting in order to:
  - a. present the chair's initial consideration of the task and how it will be completed,
  - b. receive comments and ideas from other WP members,
  - c. agree to an initial work plan in broad detail,
  - d. identify the expected need for travel, and for administrative, secretarial, teleconferencing, and video facility support,
  - e. summarize the administrative arrangements for planning, documentation, archive, and contact details for all parties,
  - f. estimate any expertise needed from outside the WP,
  - g. create an initial budget,
  - h. set initial tasks for WP members and schedule the next meeting/teleconference.
- B. English will be used as the business language for international cooperation.
- C. Cooperation and Rights to Privacy: The conduct of the review will depend on the cooperation of those approached and their commitment to improving safety in offshore sailing. The WP has no power of compulsion on any person or authority to provide evidence. Every person who gives information, oral or written, must be advised that they are entitled to privacy and privilege against self-incrimination, and that

the findings and recommendations of the review and the submissions received may be made public.

There also may be parallel investigations by other interested parties such as maritime regulators, police, and insurance companies. These groups will have their own specific objectives and may or may not be willing to cooperate with World Sailing. This should not interfere with or prevent the WP from completing its task with the information that is made available. World Sailing should strongly press its legitimate right to improve safety in the sport.

- D. Liaison: As a matter of courtesy and in pursuit of close cooperation, the chair should make contact, at an appropriate level, with the principal parties identified by World Sailing when advising the formation of the WP and its task (Paragraph 3. E.), plus any other parties considered necessary by the chair.
- E. Experts: In conjunction with the World Sailing Technical & Offshore Office, the WP may engage external experts to support the review. Engaged experts do not need to join the WP, but their opinions would be provided to all WP members and inform the findings of the review.
- F. The initial work plan should include a synopsis of the teleconference agreements as listed in paragraph 4.A, major tasks assigned, and a brief draft indicating the structure of the final report.
- G. Key Personnel Interviews: The need to interview key personnel involved in the incident will vary with the nature of the review. Direct face-to-face interviews are ideal, but timing and cost may indicate the use of electronic medium. Interviews should be conducted as soon as possible after the incident and all effort should be made to minimize compromising the quality of the evidence obtained from interviews.
- H. Interview planning: While interviewees, especially those involved in the incident, should be encouraged to “tell their story” in their own words, there should also be a consistent series of questions asked of each interviewee. Interview format:
  - a. a comprehensive questionnaire should be prepared with each WP member having input opportunity;
  - b. a minimum of two and a maximum of three members of the WP should participate in each interview;
  - c. the interviews should be recorded (with permission from the interviewee) and one member of the WP should be assigned to make notes;
  - d. interpreters should be considered when appropriate;

- e. questions should be asked in a consistent way and interviewees should not be “helped” to supply information, even if the answers may be apparent;
  - f. the WP member leading the interview should provide an opportunity for the person(s) being interviewed to comment on any aspect of the event and then conclude with a summary of the important findings.
- I. Records: The type of records available will vary greatly depending on the applicable maritime regulations, the organizing authority’s requirements, and the navigation practices of the boat(s) involved. The WP must ascertain what records are available and how they may be obtained. Records to be considered include:
- a. charts, logbooks, electronic logs and tracks from boats of interest,
  - b. VHF traffic logs or tapes from Maritime Rescue Coordination Centers (MRCC),
  - c. radar data and AIS logs, and
  - d. any relevant video or photography.
5. Result: Report Findings, Analysis, and Recommendations:
- A. The purpose of the WP’s report is to:
- a. Establish the facts available and provide an appropriate summary of the findings;
  - b. Analyze the facts to draw conclusions from the findings;
  - c. Make recommendations intended to improve safety in offshore sailing through:
    - i. changes to rules, OSRs, Plan Review or other regulations;
    - ii. improved race administration procedures, documentation, communication or emergency management procedures;
    - iii. improved standards, design, and manufacturing processes for boats and equipment;
    - iv. training and education;
    - v. Other matters considered appropriate by the WP.
  - d. Recommendations must be supported by conclusions, which arise from an analysis of the facts and be specific.

- e. The goal of the report is to prevent future accidents, not to apportion blame on any person or authority. The language used in the report is to be factual, balanced, and neutral.
  - B. The report should include, but not be limited to, operations/human factors, vehicle description(s), race or venue information, medical information, weather/sea state, and emergency response.
  - C. The report should be structured as follows:
    - a. Introduction
    - b. Deduced Facts
    - c. Analysis
    - d. Recommendations
    - e. The report should also include administrative components such as Table of Contents, List of Acronyms, and Appendices
  - D. The chair is to ensure that all members of the WP have an opportunity to endorse or comment on the report before it is finalized. If the recommendations are not unanimous, World Sailing will accept a majority report but the area of disagreement and contrary view is to be included in the report.
6. Distribution/Media:
- World Sailing will coordinate and be the point of contact for media releases and comments.
- a. The Chair will be consulted on all media releases and all media releases will to be made through World Sailing.
  - b. Care needs to be taken regarding information which might be considered confidential or private and not to apportion any blame.
  - c. Any information released to the public should be given to the victims' family contacts prior to public release.
  - d. The report should be available on the WS website for as long as it remains a useful reference for the sport.

**World Sailing Signature Block or Authority**