

Health & Safety

Accident, Incident, Near Miss, Reporting, Recording and Investigation Policy

Version No: 2



*Working for
Warwickshire*

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Accident, Incident, Near Miss, Reporting, Recording and Investigation Policy

1.0 Policy Statement

This Policy has been produced in accordance with the Warwickshire County Council's (WCC) Health and Safety Policy to ensure that all health and safety issues relating to Workplace Accidents/Incidents/Near Misses are adequately reported, recorded and investigated. This will ensure compliance with the Reporting of Injuries, Diseases and dangerous occurrences Regulations (RIDDOR) and thus prevent/ reduce the recurrence of the accidents, incidents, injuries and occupational ill health.

The County Council is committed to protecting the health, safety, welfare and wellbeing of its employees and others who may be affected by County Council undertakings. It is essential therefore that everyone who works for or undertakes work on behalf of the County Council adheres to the requirements of this Policy.

It is the County Council's Accident, Incident, Near Miss, Reporting, Recording and Investigation Policy to ensure that:

- a) appropriate action is taken following an incident so as to prevent a recurrence
- b) all accidents, incidents, near misses and dangerous occurrences that arise out of or in connection with the work activity are reported and recorded using the online/electronic reporting system or on corporate hard copy forms;
- c) all employees are aware of their own responsibilities to report and record accidents, incidents, near misses, occupational ill health/disease and dangerous occurrences. They will be recorded on our corporate system against the following categories:
 - i. minor injury
 - ii. injury
 - iii. occupational ill health
 - iv. near miss/ dangerous occurrence
 - v. road traffic incident
 - vi. verbal/ physical assault
 - vii. environmental incident
- d) all employees are aware of how to respond in the event of an accident, incident, near miss and dangerous occurrence;
- e) all incidents are investigated as appropriate and dependant on the seriousness of the incident;
- f) WCC complies with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) and reports to the Health and Safety Executive (HSE) as required;
- g) accidents and incidents are monitored and analysed to identify trends so that action can be taken as appropriate;
- h) health and safety performance will be monitored at a corporate, directorate and local level;
- i) the accident recording system is maintained, reviewed and updated as required
- j) all relevant statutory requirements and, where necessary, best practice guidance is adhered to.

2.0 Scope

The information, guidance and instruction within this Policy covers all accidents, incidents, near misses, dangerous occurrences, verbal/physical abuse, road traffic incidents, environmental and occupational ill health (as per the definitions in section 3), reporting, recording and investigation. The Policy is applicable to all areas of the County Council; it is essential therefore that everyone involved in WCC activities knows how to report, record and investigate as required. This therefore covers employee and non-employee incidents, accidents, and near misses.

The application of this Policy along with its supporting guidance will ensure that, so far as is reasonably practicable, the County Council meets all relevant statutory requirements regarding the recording of accidents and injuries in compliance with the duty imposed by the Social Security (Claims and Payments) Regulations and the reporting of incidents in compliance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). This policy also operates in accordance with the Data Protection Act and WCC Privacy Policy in respect of any personal information collected.

The Policy and associated guidance provide a standardised approach for all persons who are responsible for accident reporting, recording and investigation, ensuring consistency across the County Council.

3.0 Definitions

The following are key definitions for this Policy:

Accident/Incident – any unplanned event that results in injury or ill-health to people involved in WCC activities, or damages equipment, property or materials but where there was a risk of harm. WCC categorises the outcome (harm) of these accidents/incidents as the following:

Minor injury – any minor injury such as a scratch, bruise, minor cut or grazing;

Injury – any injury or ill-health which has arisen out of, or in connection with the work activity (excluding those categorised as minor injury)

Ill Health – includes occupational diseases (as stated in schedule 3 of RIDDOR and see also appendix 1 for examples), occupational ill health and medical conditions contracted as a result of WCC activities.

Near Miss - any incident that could have resulted in injury, damage or loss but did not on this occasion but could in the future.

Dangerous Occurrence – any unplanned event that is listed in schedule 2 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) examples can be found in appendix 1 but include; exposure of hazardous substances, collapse or failure of building structure, fire/ explosion which suspends normal working for more than 24 hours.

Verbal & Physical Assault - any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work. This can include verbal abuse or threat as well as physical attacks of violence.

Road Traffic Incident – any incident which causes injury or damage to a person, animal, vehicle or property whilst driving for work. This does not include any Road Traffic Incidents that happen on your commute to and from work, as it only applies when you are driving for a work activity (for example travelling to and from a location that is not your normal place of work, such as for meetings or training). This applies whether you are driving your own private vehicle, a WCC fleet vehicle (this includes pool cars, minibuses), or a hire/lease vehicle

Environmental – any incident which solely impacts on the environment, for example discharge to drainage, damage to flora and fauna and spillages.

4.0 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)

The regulations require fatalities and certain accidents, incidents and ill health to be formally reported to the Health and Safety Executive (HSE) as the enforcing authority, by the employer or “responsible person”. The regulations apply to accidents/incidents/ill health, which arise out of or in connection with work activities or the working environment, covered by the Health and Safety at Work etc. Act 1974.

The reports alert the HSE to individual incidents to enable them to target their activities and advise employers on strategies to help prevent injuries, ill health and accidental loss.

A summary of the main “reportable” injuries, dangerous occurrences and diseases are shown in Appendix 1 of this Policy. This includes the definition of a “7-day injury”. This also includes the HSE Information Sheet for RIDDOR Incident-reporting in schools (accidents, diseases and dangerous occurrences) (see Appendix 2).

It is essential that managers/Headteachers and those responsible for signing off accident reports are fully aware of accidents/incidents that are “reportable” under RIDDOR so that WCC can report them to the HSE as required and within the set timescale. (See Appendix 1)

As with all accidents/incident, managers/Headteachers must ensure that all “reportable” accidents/incidents are either inputted directly on to the WCC accident reporting system or that a hard copy form is completed and submitted to the relevant person in the Group as soon as is practically possible and by the quickest means possible e.g. fax/email. Dependant on the seriousness of the accident/incident it may require a telephone call to Senior Health and Safety Advisor for the Group, as if there is a fatality this must be reported immediately to the HSE.

This will enable Health & Safety staff to submit a report to the HSE within the specified timescales to comply with the legislation.

WCC ensures that all “reportable” accidents/incidents are notified to the HSE within the required timescale (which is either 10 days or 15 days after the accident/incident dependent on

the accident/incident type. If there is a delay due to medical examination, this must be notified as soon as the injury/condition has been confirmed.

It is a requirement that all WCC **employee** “reportable” accidents/incidents/ill health are considered for a formal investigation to be undertaken. Where a manager is aware of a “reportable” incident, in addition to ensuring the completion of the accident report form, they should also immediately instigate a formal investigation (See 5.2). Dependant on the incident Health & Safety Staff may decide that they will need to be involved with the investigation or take a lead role in conjunction with relevant managers/headteachers.

As the enforcing authority, when the HSE receives notification of a “reportable” incident, they may contact WCC to request further information or choose to undertake an investigation themselves. The Corporate Health, Safety and Wellbeing Manager and Senior Health & Safety Advisors will liaise with and co-operate with the HSE as necessary and support the relevant manager/headteacher with this process.

5.0 Roles and Responsibilities

The following specific roles and responsibilities apply to this Policy and are in addition to the general roles and responsibilities placed on all managers and employees within Warwickshire County Council’s Health and Safety Policy.

5.1 Managers, Headteachers, Line Managers and Supervisors must:

- Ensure that all accidents/incidents/near misses arising out of, or in connection with, work are reported on the WCC accident reporting database (or hard copy form if Lotus Notes is not accessible). These accidents/incidents are categorised under the following headings for the purpose of the database:
 - Verbal / Physical Assault
 - Minor Injury
 - Injury/Ill Health
 - Road Traffic Incident
 - Near Miss / Dangerous Occurrence
 - Environmental
- Ensure that all accidents/incidents resulting in a member of staff being absent for 3 consecutive days or more is reported and the full extent of the absence period is recorded (e.g. total number of days absence due to accident/injury).
- Ensure that the requirements and procedures for reporting accidents/incidents are followed, reports are fully completed by appropriate managers and forwarded to Health & Safety Staff either directly through the online system or by hard copy form submitted within the required timescales.
- Ensure that the WCC accident/incident reporting requirements and procedures are brought to the attention of all employees.
- Ensure that all employees receive the induction information (WCC Health & Safety induction checklist and induction booklet) which details the need to know how to report accidents/incidents/near misses or involvement in a violent incident (physical/verbal)

however minor, to their supervisor/line manager on the same day or as soon as is reasonably possible.

- Ensure that all employees have access to the online accident reporting system or hard copy reporting form and guide.
- Carry out accident/incident investigations as required and if necessary in conjunction with Health & Safety Staff using the corporate accident/incident investigation form (the level of investigation will depend on the seriousness of the incident).
- Ensure that risk assessments are reviewed, where relevant, after an accident/incident, to ensure remedial action is identified and taken where required so as to prevent a recurrence. Update risk assessments as required.
- Implement and record any changes to working practices, safe systems of work, use of equipment etc that are required as a result of any accident/incident, and bring to the attention of all staff. If required, with the assistance of Health & Safety Staff.
- Inform your Senior Health and Safety Advisor for your Group as soon as possible (by phone or e-mail) when an HSE inspector has told you that they are visiting a WCC premise as a result of an accident/incident. If they are not available inform the Corporate Health, Safety and Wellbeing Manager or another Senior Health & Safety Advisor.
- Monitor accident trends in your remit and take action as appropriate.
- Provide anonymised accident/incident records to Safety Representatives or others (e.g. parents) when requested or direct them to your Group's Senior Health & Safety Advisor.

5.2 Employees must:

- Report any accident, incident, near misses, occupational ill health or dangerous occurrence at the earliest opportunity and in accordance with WCC, Group and local requirements and processes.
- Report any dangerous activities/issues in relation to work undertaken by contractors/sub contractors on site to relevant manager/Headteacher.
- In addition to reporting Road Traffic Incidents (while driving at work) on WCC online system or hard copy form you must report Road Traffic Incidents in accordance with the Road Traffic Act and Highway Code so that to the relevant emergency service is notified as necessary.

5.3 Health & Safety Staff will:

(Health and Safety Staff is the collective term for the Senior Health and Safety Advisors, who are supported by the Health and Safety Advisors. All of whom are within the Health, Safety and Wellbeing Service).

- Ensure that managers, Headteachers and employees are aware of the Corporate and Group requirements and arrangements for reporting accidents.
- Ensure that accident investigations are carried out as required and provide advice/support/ or assistance to managers/Headteachers where necessary.
- Report any injuries, occupational diseases, and dangerous occurrences to the HSE as necessary in compliance with RIDDOR.

- Advise managers to refer relevant cases where necessary to WCC associates, for example, Occupational Health, Human Resource Advisory Service, Staff Care as required.
- Inform the Corporate Health, Safety & Wellbeing Manager of any RIDDOR reportables in a timely manner.
- Monitor all accident/incident/disease and dangerous occurrences reported within the Group and compile statistical information for inclusion in the Group Health & Safety Annual Report and reports to relevant Senior management team (GLT/GMT) and Corporate Health, Safety & Wellbeing Manager.
- Provide advice and guidance to managers/Headteachers and employees where changes to systems of work, risk assessments, equipment etc are required following an accident, incident, near miss or dangerous occurrence.
- Liaise with other relevant WCC employees as necessary in respect of accidents/incidents and investigations, such as the insurance section.
- Inform the Corporate Health, Safety & Wellbeing Manager immediately if there is any correspondence or visits from the HSE or other enforcing bodies.
- Cooperate with the HSE as and when required.
- Retain all internal incident report forms for 5 years. Reports which relate to children will be kept until the child is at least 21 years of age. Reports which relate to a long-term health problem (for example, exposure to asbestos fibre) will be kept for 40 years. Retain all records of any incident reported to the HSE for at least 5 years.
- For any incident relating to possible exposure to asbestos notify Occupational Health who will retain a copy of the accident/incident form on their file.
- Share the lessons learnt from accident/incident investigations with other Health & Safety colleagues and managers within WCC/own Group as necessary (to ensure learning across WCC enabling the management/control of risk in a similar fashion).
- Provide information to the Insurance section as and when requested.

5.4 Corporate Health, Safety & Wellbeing Manager will:

- Ensure that there is a mechanism for reporting accidents, incidents, near misses, occupational diseases, occupational ill-health, occupational road traffic incidents and dangerous occurrences that occur out of or in connection with the work activity and thus ensure that there is mechanism for notifying the HSE as required under RIDDOR.
- Act as liaison officer in any investigation with HSE or other enforcing bodies.
- Produce the Corporate Annual Health & Safety Report which includes details of WCC accident/incident statistics for submission to the relevant committee.
- Ensure the accident/incident online recording system and corporate recording form are reviewed regularly to ensure they are up to date and comply with legislation and WCC Policy.
- Ensure that WCC's relationship with all regulatory bodies and general public is open and transparent.
- Inform the Corporate Health & Safety Champion of any incident or HSE involvement where deemed necessary.
- Share accident data with Trade Union Safety Representatives in accordance with the WCC Privacy Policy and other regulations (see Section 6.1.2) and in statistical format for quarterly report at Joint Consultative Committee (JCC) meetings.

5.5 Health & Safety Trade Union Representatives will:

- Work jointly with health and safety staff, managers, Headteachers and line managers to ensure the implementation of this Policy in-line with the Safety Representative & Safety Committee Regulations and WCC Privacy Policy and section 6.1.2.

6.0 Organisation & Arrangements

6.1 Accident/Incident Reporting and Recording

Accident reporting and recording is an important part of Health & Safety management and is used as a tool to identify where and how the risk arose and to try to prevent re-occurrence. General accident/incident statistics can provide useful information and often indicate trends. It is important that all staff are aware of the need to report accidents/incidents, near misses and dangerous occurrences using the WCC online system or corporate hard copy form. It is important that the reporting is not delayed due to access to the system/form as some accidents/incidents need to be reported to the HSE within designated timescales. Prompt and accurate reporting means that WCC can take appropriate action to prevent a re-occurrence and provide support and assistance to affected staff as soon as possible after the accident/incident. Information and instruction on undertaking accident/incident recording is included in Health and Safety Training for Managers.

6.1.1 Documentation

The WCC online system or hard copy reporting form should be used for the initial report. If a more formal investigation is required the corporate accident/investigation form should also be completed. Your Group Health & Safety Staff will be able to give advice on completing this form. A corporate witness form is also available for any witness statements. All of these forms are available on the Health & Safety pages of the intranet, School Health and Safety Website (www.warwickshire.gov.uk/schoolHSdocs) and the on line reporting database.

A guide to completing the accident/incident on line system is available on the help section of the system and a guide to competing the hard copy form is also available on the Health & Safety pages of the intranet and the School Health and Safety Website (www.warwickshire.gov.uk/schoolHSdocs).

Risk assessments should be reviewed after an accident/incident where relevant, to ensure remedial action is identified and taken where required so as to prevent a recurrence. Risk assessments must be updated as required and date recorded when this has been done. As part of an HSE investigation they will request copies of risk assessments for both before and after an accident/incident where relevant.

Should an accident/incident lead to an insurance claim against WCC all of the above information will also be required by the Insurance Section.

In accordance with the WCC retention of records policy all documents relating to accidents, incidents, near misses, occupational diseases, occupational ill health, occupational road traffic incidents and dangerous occurrences should be kept for a minimum of 5 years.

6.1.2 Security of Personal Information

This Policy operates in accordance with the Data Protection Act and WCC Privacy Policy in respect of any personal information collected. Therefore, every accident record, electronic or hard copy will display the following protective marker (disclaimer) and privacy notice:

“THIS FORM IS CLASSIFIED AS PROTECT.

WCC collects personal information about you on this form in relation to accidents, injuries, diseases, near misses and dangerous occurrences arising out of or in connection with work. We may share your information with the HSE to ensure that we meet our legal requirements. For further information on how we maintain the security of your information and your rights to access information we hold on you please see our WCC Privacy Policy and WCC Accident/Incident Policy.”

The form displays the appropriate WCC protective marker ('Protect') because of the personal information that is also retained on the form. For this reason access to personal information will therefore be restricted to Health and Safety Staff, managers (for their employee accidents/incidents) and the insurance section so WCC can comply with health and safety legal requirements. Safety Representatives will only be provided with personal data attached to the accident form if the employee has given their written consent. Otherwise Safety Representatives will only be provided with anonymised information or statistical overview for trend analysis. For the full accident report with personal information, the written consent must be forwarded to the Corporate Health, Safety & Wellbeing Manager or the Group Senior Health and Safety Advisor.

This arrangement is also in accordance with the HSE and their Accident Book (B1510) whereby consent is required by the employee to release their personal information to the safety representative(s).

6.2 Accident Investigation

The purpose of any accident/incident investigation is to establish fact, determine the cause and take action to prevent re-occurrence - it is not to allocate blame! For this to be effective it is essential that every accident/incident, whether damage or injury is sustained or not, is recorded and investigated. The level of investigation will be proportionate to the injury, serious nature and the likelihood of it occurring again.

6.2.1. Initial/preliminary investigation

It is important that managers/supervisory staff carry out preliminary investigations as soon as they are made aware of the accident/incident as delay can cause confusion and complication. If people are injured, or where appropriate, the facts must be put down in writing and their version of events, and those of witnesses, must be established properly. This should include stating whether there was a root cause of the accident/incident. When the accident /incident report is fully completed either on-line or by hard copy it must be sent to Health & Safety Staff.

Remedial actions which need to be taken as a result are essential and must be recorded with details of who will implement the action and when it will be implemented and the actual implementation date if known at the time. If changes are required to systems of work or risk assessments as a result of the accident/incident these must be communicated to staff as soon as possible.

6.2.2. Formal Investigation

Some accidents/incidents will require a more formal investigation. If the accident is reportable under RIDDOR (see section 4 and appendix 1) a full investigation should usually take place using the WCC Accident/Incident Investigation form. This must be fully completed with all necessary details and information and including the attachment of any relevant documents. A full investigation may not always need to be completed for all RIDDOR incidents/accidents; however this will be determined by the Groups Senior Health & Safety Advisor. Some serious accidents/incidents may need formal investigation even if not reportable under RIDDOR.

Once reported under RIDDOR the HSE may launch their own investigation and will appoint their investigation officer, HM Inspector of Health and Safety. They may contact the reporting centre in the first instance for further information, which will be the Health and Safety Staff. They will visit the premises and will wish to interview all staff involved including the line manager and witnesses. They will ask for all paper work relating to the accident including the initial report, accident/incident investigation form and also copies of risk assessments (both before and after the accident/incident), training records, photographs, etc. During these investigations the WCC protocol needs to be initiated so that the relevant sections (e.g. legal) can be notified (please refer to appendix 3).

6.3 Analysis, Monitoring and Statistical Reporting

All data from accident/incidents will be analysed and monitored by Health & Safety Staff and who will also monitor specific trends. This will enable them to identify area of concern, for example similar and frequent accidents generally or on one site or in one team or relating to specific activities or use of equipment etc. This may then lead to further investigation into the cause of these accidents/incidents for improvement on preventing re-currence. This data will be compiled in an agreed corporate format by Senior Health and Safety Advisor and form part of their Group Health & Safety Annual Report. This report should be submitted to the appropriate GLT and to the Corporate Health & Safety and Well-being Manager so that the Corporate Health & Safety Annual Report can be compiled.

Managers are encouraged to retain, request and receive accident/incident statistics for their teams from their Group's Senior Health & Safety Advisor and take any necessary action. Headteachers and Governing Bodies should also retain, monitor and analyse accidents/incidents for their school, as above, and take any necessary and appropriate action for improvement on preventing recurrence.

7.0 Monitor & Review

To ensure the effective application of this Policy directorates are required to have in place arrangements for monitoring and reviewing its implementation at regular intervals. The Policy

review needs to promote a cycle of continuous improvement; therefore any actions identified to ensure this, should be considered and implemented where reasonably practicable.

Successful monitoring and review relies on commitment from managers at all levels and should therefore be included as an integral part of their business planning process.

This will ensure that legal compliance is being achieved and specific responsibilities of all staff are being discharged correctly.

8.0 Corporate Review

The content of this Policy and its effectiveness will be the subject of an annual review initially due to the launch of the new accident reporting database; and then a three-yearly review thereafter in conformity with the County Council's Health & Safety Policy. In addition, this Policy will be the subject of review and amendment within this period should significant changes occur.

This policy is subjected to quality control procedures and hence previous issues of the document will be archived.

9.0 Further Reference & Associated Documents

WCC Health & Safety Policy
WCC Risk Assessment Policy & Guide
WCC Guide on how to complete the Accident/Incident/Near Miss/Dangerous Occurrence Report Hard Copy Form
WCC Induction Booklet and Induction checklist
WCC Accident/Incident Investigation Form and Witness Statement Form

10.0 Responsible Officer

Corporate Health, Safety and Wellbeing Manager
Email – healthandsafety@warwickshire.gov.uk

11.0 Accessibility

If this information is difficult to understand, Your Directorate Health and Safety staff can provide it in another format, for example Braille, in large print, on audiotape or another language.

12.0 Equality Impact Assessment

All Health and Safety policies must be subject to an Equality Impact Assessment, in accordance with the Corporate Equality and Diversity Policy.

The following assessment has been carried out;

Pre-check	YES		
Comment			
Full Impact Assessment		NO	
Comment			

What WCC needs to report to the enforcing authority (HSE) under RIDDOR

Here is an overview of the main reportable injuries, dangerous occurrences and diseases that WCC has to report to the HSE under RIDDOR (please note, this is not an exhaustive list).

Please note that Health & Safety Staff report these to the HSE. It is therefore essential to provide all the relevant information either on the on-line reporting system or hard copy form for our use.

Deaths

- All deaths arising out of or in connection with work.

Reportable major injuries for employees

- Fracture other than to fingers, thumbs or toes
- Amputation
- Dislocation of the shoulder, hip, knee or spine
- Loss of sight (temporary or permanent)
- Chemical or hot metal burn to the eye or any penetrating injury to the eye
- Injury resulting from an electric shock or electrical burn leading to unconsciousness or requiring resuscitation or admittance to hospital for more than 24 hours
- Any other injury: leading to hypothermia, heat-induced illness or unconsciousness; or requiring resuscitation; or requiring admittance to hospital for more than 24 hours
- Unconsciousness caused by asphyxia or exposure to a harmful substance or biological agent
- Acute illness requiring medical treatment, or loss of consciousness arising from absorption of any substance by inhalation, ingestion or through the skin
- Acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a biological agent or its toxins or infected material
- Reportable dangerous occurrences
- Collapse, overturning or failure of load-bearing parts of lifts and lifting machinery
- Explosion, collapse or bursting of any closed vessel or associated pipework
- Failure of any freight container in any of its load-bearing parts
- Plant or equipment coming into contact with overhead power lines
- Electrical short circuit or overload causing fire or explosion
- Any unintentional explosion, misfire, failure of demolition to cause the intended collapse, projection of material beyond a site boundary, injury caused by an explosion
- Accidental release of a biological agent likely to cause severe human illness
- Failure of industrial radiography or irradiation equipment to de-energise or return to its safe position after the intended exposure period
- Malfunction of breathing apparatus while in use or during testing immediately before use
- Failure or endangering of diving equipment, the trapping of a diver, an explosion near a diver, or an uncontrolled ascent
- Collapse or partial collapse of a scaffold over 5 metres high, or erected near water where there could be a risk of drowning after a fall

- Unintended collision of a train with any vehicle
- Dangerous occurrence at a well (other than a water well)
- Dangerous occurrence at a pipeline
- Failure of any passenger restraint or load-bearing part of fairground equipment, or derailment or unintended collision of cars or trains
- A road tanker carrying a dangerous substance overturns, suffers serious damage, catches fire or the substance is released
- A dangerous substance being conveyed by road is involved in a fire or released

The following are examples of dangerous occurrences that are reportable except in relation to offshore workplaces:

- Unintended collapse of: any building or structure under construction, alteration or demolition where over five tonnes of material falls; a wall or floor in a place of work; any false-work
- Explosion or fire causing suspension of normal work for over 24 hours
- Sudden, uncontrolled release in a building of: 100 kg or more of a flammable liquid; 10 kg or more of a flammable liquid above its boiling point; or 10 kg or more of a flammable gas; or 500 kg of these substances if the release is in the open air
- Accidental release of any substance which may damage health
- Collapse of, the overturning of, or failure of any load bearing part of a lift, hoist, crane, derrick, mobile powered access platform or fork lift truck

Reportable diseases include:

- Certain poisonings
- Some skin diseases such as occupational dermatitis, skin cancer, chrome ulcer, oil folliculitis/acne
- Lung diseases including occupational asthma, farmer's lung, pneumoconiosis, asbestosis, mesothelioma
- Infections such as leptospirosis, hepatitis, tuberculosis, anthrax, legionellosis and tetanus
- Other conditions such as occupational cancer, certain musculoskeletal disorders, decompression illness and hand-arm vibration syndrome

Over-seven-day injuries

From 6 April 2012, the over-three-day reporting requirement for people at work changed to the over-seven-day reporting period. Under RIDDOR, this means that employers only have to report injuries that lead to an employee being incapacitated for **more than seven consecutive days** (not counting the day of the accident but including weekends and rest days). The report must be made within 15 days of the accident.

An over-seven-day injury is one which is not 'major' but results in the injured person being away from work or unable to do the full range of their normal duties for more than seven days.

When calculating 'more than seven consecutive days' the day of the accident should not be counted, only the period after it. Any days the injured person would not normally have been expected to work, such as weekends, rest days or holidays, must be included.

Some situations will include days when the injured person would not normally have been expected to work. Determining whether they would have been unable to do their normal range of duties for 'more than seven consecutive days' may therefore involve a degree of judgement. It may be necessary to ask the injured person if they would have been able to carry out all of their duties if they had been at work.

Below are some examples of different situations to demonstrate counting the 'more than seven consecutive days' period.

Example 1

A trainee who normally works Monday to Friday is injured at work on a Tuesday and left unable to do their job. They return to work more than a week later on the Thursday. The days counted would be the Wednesday, Thursday, Friday, Saturday and Sunday of the first week and the Monday, Tuesday and Wednesday of the next week, making a total of eight days when they would have been unable to work because of the injury. In this instance, the injury must be reported.

Example 2

A shift worker, who normally works five days on and five days off, is injured at work on the first day of their shift and left unable to do their job. By the fifth day of their five-day rest period they are fit enough to do the full range of their normal duties. They return to work at the start of their next shift. The days counted would be the four days on which they would normally work of the shift plus the first four days of their rest period, making a total of eight days incapacity. As a result, the injury must be reported.

For non-employees

For non-employees WCC has to report injuries to members of the public or people not at work where they are taken from the scene of an accident to hospital.



Incident reporting in schools (accidents, diseases and dangerous occurrences)

Guidance for employers

HSE information sheet

Education Information Sheet 1 (Revision 2)

Introduction

This information sheet clarifies how the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) apply to schools. Most incidents that happen in schools or on school trips will not need to be reported. Exceptionally an incident does need notifying to the Health and Safety Executive (HSE) under RIDDOR.

This information sheet gives practical advice to schools about what they need to report and how to do it.

What needs to be reported?

The Regulations require employers and others in control of premises to report certain accidents, diseases and dangerous occurrences arising out of or in connection with work. This information sheet includes examples of the occupational injuries, diseases and dangerous occurrences that typically result from schools' activities and fall within scope of the reporting requirements. The sections below cover:

- injuries and ill health involving employees (Section 1);
- injuries and ill health involving pupils and other people not at work (Section 2); and
- dangerous occurrences (Section 3).

As of 6 April 2012, the over-three-day reporting requirement for people at work changed to over- seven-days.

This means that you have to report injuries that lead to a worker being incapacitated (absent, or unable to do their normal work which he or she would reasonably be expected to do) for over seven consecutive days. This period of time starts the day after the accident, and includes weekends and rest days. The report must be made within 15 days of the accident. There are no other substantive changes to the reporting requirements for deaths, major injuries, occupational diseases and dangerous occurrences

Who should report?

The duty to notify and report rests with the 'responsible person'. For incidents involving pupils and school staff, this is normally the main employer at the school. The education pages on the HSE website (www.hse.gov.uk/services/education) provide information about who the employer is in different types of schools.

Some school employers may have centrally co-ordinated reporting procedures. In others, reporting may be delegated to the school management team. The health and safety policy should set out the responsibilities and arrangements for reporting within each school.

Incidents involving contractors working on school premises are normally reportable by their employers. Contractors could be, for example, builders, maintenance staff, cleaners or catering staff.

Who do I report to?

For general advice about how to report, refer to the RIDDOR pages on HSE's website (www.hse.gov.uk/riddor/).

In summary, all incidents can be reported online, by telephone, post and fax. An out of hours telephone service remains only for reporting fatal and major injuries to HSE.

For incidents occurring on school premises involving members of staff, pupils or visitors, HSE is the relevant enforcing authority to which reports should be submitted. HSE is also the relevant enforcing authority for nursery provision provided and operated by local authorities. For privately run nursery schools, the local authority will be the relevant enforcing authority.

What records must I keep?

You must keep a record:

- of any reportable death, major injury, disease or dangerous occurrence; and
- all occupational injuries that result in a worker being away from work or incapacitated for more than three consecutive days,* for at least three years after the date on which it happened.

The record must include:

- the date, time and place of the event;
- personal details of those involved;
- a brief description of the nature of the injury, event or disease; and
- if the event was reportable, the date and method of reporting.

* As of 6 April 2012 you don't have to report over-three-day injuries but you must keep a record of them. If you are an employer who is required to keep an accident book, under the Social Security (Claims and Payments) Regulations 1979, that record can be treated as a record for the purposes of RIDDOR.

Section 1: Injuries and ill health to people at work

Under RIDDOR, the responsible person must report the following work-related accidents, including those resulting from physical violence, if an employee or self-employed person is injured while working at the premises:

- accidents which result in death or major injury must be reported immediately (see 'Reportable major injuries' below); and
- accidents which prevent the injured person from continuing their normal work for more than seven days must be reported within 15 days of the accident.

The responsible person must also report any cases of a work-related disease, specified under RIDDOR, that affects an employee and that a doctor confirms in writing (see 'Reportable diseases' below).

You can find detailed guidance about RIDDOR reporting and online reporting procedures at www.hse.gov.uk/riddor/report.htm.

Reportable major injuries

These include:

- a fracture, other than to fingers, thumbs and toes;
- amputation;
- dislocation of the shoulder, hip, knee or spine;
- loss of sight (temporary or permanent);
- chemical or hot metal burn to the eye or any penetrating injury to the eye;
- injury resulting from an electric shock or electrical burn (including any electrical burn caused by arcing or arcing products) leading to unconsciousness, or requiring resuscitation or admittance to hospital for more than 24 hours;
- any other injury leading to hypothermia, heat-induced illness, or unconsciousness, or requiring resuscitation or admittance to hospital for more than 24 hours;
- loss of consciousness caused by asphyxia or exposure to a harmful substance or biological agent;
- either of the following conditions which result from the absorption of any substance by inhalation, ingestion or through the skin:
 - an acute illness requiring medical treatment; or
 - loss of consciousness;
- acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a biological agent, its toxins or infected material.

Physical violence

Some acts of non-consensual physical violence to a person at work, which result in death, a major injury or a person being incapacitated for over seven days, are reportable. In the case of an over-seven-day injury, the incapacity must arise from a physical injury and not as a result of a psychological reaction to the act of violence.

Examples of reportable injuries arising from violence include an incident where a teacher sustains a specified major injury as a result of a pupil, colleague or member of the public assaulting him or her while on school premises. This is reportable because it arises out of or in connection with work.

Reportable diseases

Employers and self-employed people must report occupational diseases (listed at www.hse.gov.uk/riddor) when they receive a written diagnosis from a doctor that they, or their employee, have one of the conditions and the sufferer has undertaken activities that correspond with the condition listed in RIDDOR. Reportable occupational diseases include:

- certain poisonings from any activity involving, phosphorus, manganese or mercury;
- some skin diseases including occupational dermatitis from work involving strong acids or alkalis, including domestic bleach;
- lung diseases including occupational asthma, eg from wood dust, soldering using rosin flux;
- infections such as tuberculosis, leptospirosis or tetanus acquired, for example, during a field trip; or
- certain musculoskeletal disorders including hand-arm vibration syndrome from using power tools, or repetitive strain injury.

Stress

Work-related stress and stress-related illnesses (including post-traumatic stress disorder) are not reportable under RIDDOR. To be reportable, the injury must have resulted from an 'accident' arising out of or in connection with work. Stress-related conditions usually result from a prolonged period of pressure, often from many factors not just one distinct event.

Section 2: Incidents to pupils and other people who are not at work

Injuries to pupils and visitors who are involved in an accident at school or on an activity organised by the school are only reportable under RIDDOR if:

- the accident results in the death of the person and arose out of or in connection with a work activity; or
- the accident results in an injury that arose out of or in connection with a work activity and the person is taken from the scene of the accident to hospital.

The lists of major injuries and diseases described above in Section 1 only apply to employees.

If a pupil injured in an incident remains at school, is taken home or is simply absent from school for a number of days, the incident is not reportable.

How do I decide whether an accident to a pupil 'arises out of or is in connection with work'?

The responsible person at the school should consider whether the incident was caused by:

- a failure in the way a work activity was organised (eg inadequate supervision of a field trip);
- the way equipment or substances were used (eg lifts, machinery, experiments etc); and/or
- the condition of the premises (eg poorly maintained or slippery floors).

Therefore, if a pupil is taken to hospital as a result of breaking an arm during an ICT class, following a fall over a trailing cable, the incident would be reportable. If a pupil is taken to hospital because of their medical condition (eg asthma attack, epileptic seizure) this would not be reportable as it did not result from the work activity.

This means that many of the common incidents that cause injuries to pupils at school tend not to be reportable under RIDDOR as they do not arise directly from the way that the school undertakes a work activity. Remember, in all these cases, you only need to consider reporting where an accident results in a pupil's death or they are taken from the scene of the accident to hospital.

What about accidents to pupils during sports activities?

Not all sports injuries to pupils are reportable under RIDDOR, as organised sports activities will lead to sports injuries that are not connected with how schools manage the risks arising from the activity.

The essential test is whether the accident was caused by the condition, design or maintenance of the premises or equipment, or as a result of inadequate arrangements for supervision of an activity. If an accident that results in an injury arises because of the normal rough and tumble of a game then the accident and resulting injury would not be reportable. Examples of reportable incidents include:

- the condition of the premises or sports equipment was a factor in the incident, for example where a pupil slips and fractures an arm because a member of staff had used the wrong polish and left the sports hall floor too slippery for sports; or
- there was inadequate supervision to prevent an incident, or failings in the organisation and management of an event.

What about accidents to pupils in a playground?

Most playground accidents due to collisions, slips, trips and falls are not normally reportable. Incidents are only reportable where the injury results in a pupil either being killed or taken to a hospital for treatment. Either scenario is only reportable if they were caused by an accident that happened from or in connection with a work activity.

This could include, for example, incidents arising because:

- the condition of the premises or equipment was poor, eg poorly maintained play equipment; or
- the school had not provided adequate supervision, eg where particular risks were identified but no action was taken to provide suitable supervision.

Physical violence

Violence between pupils is a school discipline matter and is not reportable under RIDDOR, as it does not arise out of or in connection with a work activity.

Other scenarios

Injuries to pupils while travelling on a school bus

If the school bus is struck by another vehicle while pupils are getting on or off and pupils are injured and taken to hospital, this is normally reportable under RIDDOR. However, deaths and injuries resulting from a road traffic accident involving a school vehicle travelling on the public highway do not have to be reported under RIDDOR. These are classed as road traffic incidents and are investigated by the police.

Incidents involving pupils on overseas trips

RIDDOR only applies to activities taking place in Great Britain. Any incident occurring overseas is therefore not reportable to HSE.

Incidents to pupils on work experience placements

If pupils are on a training scheme or work placement, they are deemed to be employees for the period of the placement. In these circumstances, the employer as the responsible person should report a death, injury or disease to a pupil which arises out of or *in connection with work*. Similarly, the wider range of reporting categories for employees is applicable. Further advice can be found on the HSE website at

Section 3: Dangerous occurrences

These are specified near-miss events, which are only reportable if listed under RIDDOR (www.hse.gov.uk/riddor/). A full list is given in *A guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995*.¹

Reportable dangerous occurrences include:

- the collapse or failure of load-bearing parts of lifts and lifting equipment;
- the accidental release of a biological agent likely to cause severe human illness;
- the accidental release or escape of any substance that may cause a major injury or damage to health;
- an electrical short circuit or overload causing fire or explosion;
- any unintended collapse or partial collapse of any building or structure; and/or
- the failure of any closed vessel (eg boiler) or any associated pipework.

Supplementary information

Consultation

Under the Safety Representatives and Safety Committees Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996, employers must make relevant health and safety documents available to safety representatives.

This includes records kept under RIDDOR, except where they reveal personal health information about individuals. For further information about consultation, see *Consulting employees on health and safety*.²

Reporting requirements of other regulators

There may be other reporting requirements placed on schools by other regulators in the education sector. The requirements of these other regulators are separate to, and distinct from, the legal duty to report incidents under RIDDOR.

References

1 *A guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995* L73 (Fourth edition) HSE Books 2012

ISBN 978 0 7176 6459 7

www.hse.gov.uk/pubns/books/l73.htm

2 *Consulting employees on health and safety*:

www.hse.gov.uk/riddor/do-i-need-to-report.htm.

A brief guide to the law Leaflet INDG232(rev2) HSE Books 2012 (Priced pack ISBN 978 0 7176 6462 7)
www.hse.gov.uk/pubns/INDG232.htm

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This document contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

This document is available at:
www.hse.gov.uk/pubns/edis1.pdf.

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Appendix 3

Enforcing body investigation protocol

The HSE (the enforcement body for health and safety legislation within WCC) can come into WCC premises at any time as a result of any of the following:

- Having received immediate notification (under RIDDOR) of a fatality or major injury, dangerous occurrence, disease
- Having received an F2508 (reportable incident notification) that they believe warrants further investigation
- Having received F2508 notifications for similar incidents
- Having attended the Local Authority for their own investigation/audit protocol or;
- As part of their own campaigns (e.g. slips, trips and falls)

Therefore, they can come into our establishments as an enforcing body and/or to give advice and guidance. On the occasions when they attend in an enforcement capacity the following procedures will be initiated.

- 1.0 Initial written correspondence will usually be sent by the enforcing body to the Chief Executive. If correspondence is received at local level e.g. school/premise the Corporate Health, Safety and Wellbeing Manager should be informed and a copy of correspondence forwarded.
- 2.0 The Chief Executive will delegate to the relevant member of Corporate Board
- 3.0 The nominated member of Corporate Board must enlist the advice of the Corporate Health, Safety and Wellbeing Manager as soon as they are notified as the response/action time to the enforcing body will be limited
- 4.0 In addition to the Strategic Director or Head of Service and Corporate Health, Safety & Wellbeing Manager the following will need to be involved in the investigation/discussions where relevant:
 - Relevant Head of Service (if delegated to by Strategic Director)
 - Relevant Senior Health & Safety Advisor
 - Headteacher/Chair of Governors
 - Legal Services
 - Insurance Section
 - Emergency Planning
 - Manager of a team that is also associated with the activity/accident incident investigation e.g. Transport Manager
 - Communications Team
 - And any other relevant person/team

All of the above will be the investigating team. The delegated Strategic Director/Head of Service will lead the investigation. However, the response to HSE will come from the either the Chief Executive or the delegated Strategic Director/Head of Service.

- 5.0 As part of the investigation the team will review all of the following documents relating to the accident/incident:
- Accident/Incident report form
 - F2508
 - Photographs
 - Witness statements
 - Appropriate risk assessment
 - Relevant training/competency documentation
 - Safe System of Work (SSOW)
 - PPE records
 - Workplace inspection reports
 - Equipment maintenance/ examination/ use records
 - Relevant Corporate & Group policies/arrangements/procedures
 - Any other documents/information as necessary
- 6.0 Following the completion of the investigation any remedial actions to be taken along with any other control measures must be indentified and actioned e.g. review risk assessments and update as necessary
- 7.0 Please note the above will also apply where the Police investigate or any other enforcing body