

Lothian Operational Standard

LB-HS-103 Injury, Incident and Near Miss Reporting and Investigation

This Standard details the minimum requirements for ensuring compliance with health and safety legislation and implementation of the Lothian H&S Policy.

1. INTRODUCTION

There are legal, moral and financial reasons for ensuring work related accidents are reported and investigated. Typically, there are 1 million injuries, incidents and diseases which result in over 26 million working days being lost and costing business £14 billion every year.

It is essential that work related injuries incidents and near misses are reported and investigated in order to identify immediate, underlying and root causes which will enable effective recommendations to be made in order to prevent recurrence of similar incidents.

2. POLICY STATEMENT

Lothian will ensure that injuries, incidents and near misses are recorded, reported and investigated to determine cause and make effective recommendations for preventing recurrence.

Management will encourage the reporting of injuries and incidents and promote a positive health and safety culture where the emphasis is not on blaming individuals but on continuous improvement of our systems and precautions in order to control risks and prevent recurrence.

3. SUMMARY OF REQUIREMENTS

To ensure compliance with Social Security (Claims and Payments) Regulations and RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrence Regulations) which govern the recording and reporting of health and safety incidents and to enable monitoring of the health and safety arrangements in accordance with the requirements of The Management of Health and Safety at Work Regulations, we must ensure:

- ALL injuries¹, incidents² and near misses³ are reported and that these are recorded internally

¹ Injury - an unplanned event which causes physical injury to a person

² Incident - actual loss or damage to buildings, infrastructure, equipment or other property or assets, includes dangerous occurrences

³ Near Miss - no actual injury, loss or damage but had the potential to cause injury, loss or damage

- Certain injuries, incidents and confirmed cases of disease, as defined in RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrence Regulations), are reported in a timely manner to the Enforcing Authority
- All injuries, incidents and near misses are investigated to an appropriate degree and corrective action is taken to prevent recurrence
- Relevant lessons are shared and recommendations implemented, as appropriate, across Lothian

4. WHAT NEEDS TO BE DONE

Internal Reporting and Recording

- 4.1 The flowchart given in Appendix 1 sets out the reporting and recording requirements for all injuries, incidents, occupational ill health and near misses.
- 4.2 Robust local procedures must be established to ensure reporting requirements are satisfied which includes arrangements for formal internal reporting and recording of the following:
- a) Injuries, Incidents and Diseases that are reportable under RIDDOR
 - b) All other employee injuries
 - c) All other loss or damage incidents, including fires and theft
 - d) Non-employee injuries and incidents, including contractors
 - e) Environmental incidents
 - f) Significant near misses
- 4.3 All injuries should be recorded in the Accident Book or an equivalent system. All information relating to individuals is subject to the Data Protection Act and must be kept confidential at all times.
- 4.4 All injuries and incidents must be reported to the line manager on the Incident Report Form (IRF) within 24 hours of the event occurring.
- 4.5 The following health and safety incidents must also be reported to Lothian Senior Management Team via the Major Incident Notification Procedure:
- A fatal or specified major injury to an employee
 - A fatal injury to a passenger or third party

External Reporting and Recording

- 4.6 Table 1 defines those incidents and injuries which are required to be reported to the enforcing authority i.e. The Health and Safety Executive (HSE), in accordance with RIDDOR. Further advice on the interpretation of RIDDOR and reporting requirements should be sought from the H&S Manager.

- 4.7 The H&S manager **MUST** be notified in the event of a RIDDOR reportable injury or incidents occurring i.e. fatal or specified major injury, dangerous occurrence or a confirmed case of occupational disease.
- 4.8 Ideally, the H&S Manager should coordinate the reporting of incidents and injuries centrally on behalf of the operating company for consistency and quality purposes.
- 4.9 Fatalities and major injuries **MUST** be reported to the HSE immediately by completing the online form at:
<https://notifications.hse.gov.uk/riddorforms/Injury#>
 Alternatively, a verbal report can be made for fatal or major injuries by phoning the Incident Contact Centre on 0345 300 9923
- 4.10 Over 7-day injuries must be notified to the HSE within 15 days of the incident occurring by completing the online form at:
<https://notifications.hse.gov.uk/riddorforms/Injury#>
- 4.11 Dangerous Occurrences must be notified to the HSE within 10 days of the incident occurring by completing the online form at:
<https://notifications.hse.gov.uk/riddorforms/DangerousOccurrence>
- 4.12 Confirmed cases of occupational disease should be reported as soon as a doctor has notified you that your employee is suffering from a reportable work-related disease using the online form at:
<https://notifications.hse.gov.uk/riddorforms/Disease>

Investigations and Investigation reports

- 4.13 The Managing Director is responsible for ensuring that injuries and incidents are properly and thoroughly investigated.
- 4.14 In all cases where an employee makes a report of an injury, incident or near miss, the line manager is required to verify the circumstances, confirm nature and severity of injuries or damage and document the findings of this on the IRF. This is the minimum requirement for all injuries, incidents and near misses.
- 4.15 Following his/her preliminary investigation (summary report) the line manager must decide whether further investigation by a competent person(s) is required based on the following:
- The seriousness of the incident or severity of injuries (or potential for the seriousness of the incident or severity of injuries)
 - The potential for legal proceedings or civil action

The line manager should seek the advice of the H&S Manager as appropriate. The subsequent investigation must be documented on the Incident Investigation Form (IIF) with the following documents as a minimum:

- Witness Statements
- Risk Assessments (if applicable)

- Photographs
- CCTV
- Defect Records
- Training records
- Cleaning Records
- Any other relevant record or procedure as applicable

4.16 Fatal and 'Major' injuries and incidents e.g. specified major injuries as defined in RIDDOR, those injuries that prevent employees from carrying out their normal duties for more than 7 days, dangerous occurrences and disease warrant the most detailed and in-depth investigation and must include a determination of the immediate⁴ and root⁵ causes and make recommendations for the prevention of recurrence.

4.17 The investigation must be completed and documented on Lothian RCA (Route Cause Analysis) Investigation Report Form (or in an equivalent format).

4.18 In the case of fatalities and very serious major injury or incidents the investigation will be team led by a Director and will include the H&S Manager.

4.19 Where appropriate to do so the TU safety representative should be invited to participate in the investigation of reportable injuries and incidents. It is the right of representatives to investigate however, they must not interfere or destroy evidence and should allow reasonable time for documents to be made available.

4.20 Investigate for root cause in all cases UNLESS the circumstances of the injury or incident indicate that legal proceedings are likely to be taken against Lothian in which case seek advice from the H&S Manager before commencing the investigation. These incidents are likely to include fatalities or the most serious injuries.

4 Immediate causes are the aspects that allow an accident to occur. For example: the failure of a mechanical component or an unsafe act being committed by an employee.

5 Root causes are the systematic/process failings that allow the immediate cause to occur e.g. Lack of maintenance that causes a mechanical component to fail or lack of training or supervision that result in an employee committing an unsafe act.

Legal Privilege

- 4.21** Where legal proceedings are likely or the investigation is undertaken at the specific request of legal counsel, the investigation and the investigation report will attract legal privilege⁶.
- 4.22** All associated communications and correspondence must be addressed directly to legal counsel and marked "Legally Privileged - For the attention of the legal counsel prepared in contemplation of legal proceedings".

Further advice should be sought from a Legal Adviser.

Disciplinary Action Following Injuries and Incidents

- 4.23** Where investigations indicate that an employee has failed to comply with company health and safety policies or procedures, adhere to control measures, or cooperate with managers and supervisors fulfilling their obligations under health and safety legislation, disciplinary action must be considered.
- 4.24** If disciplinary action is taken, this must be documented and communicated to the employee in writing and correspondence retained on the employee's personnel file.
- 4.25** If it is deemed that action is not to be taken in a particular instance, the decision must be justified, documented and communicated to the employee in writing and correspondence retained on the employees personnel file whereby it should be taken into account in the event of any subsequent non-conformances.

Trends

- 4.26** Trends in near misses, injuries and incidents must be identified and analysed, locally by safety committees. Actions must be put into place to prevent recurrence of similar events.

Sharing of Lessons

- 4.27** Depending on the seriousness of the incident or severity of injuries, where there are relevant lessons for others and in order to prevent recurrence elsewhere, anonymised incident learning points will be shared with other parts of the business, where it is appropriate and relevant to do this.
- 4.28** Any recommendations issued in incident learning points must be communicated to employees and managers, as relevant to the activity and risks, and fully implemented.
- 4.29** Lothian H&S manager will advise operating companies of additional monitoring requirements should they be needed in order to ensure implementation.

⁶ Legal privilege - confidential communications made for the purpose of providing or obtaining legal advice in relation to proposed or contemplated litigation will remain confidential between the lawyer and the Client

5. WHO SHOULD DO IT

5.1 Managing Directors, must:

- Ensure that the requirements of this standard are fulfilled
- Ensure responsibility is appropriately allocated for the reporting and investigation of injuries, incidents and near misses and ensure necessary resources are made available to enable duties to be fully discharged and any remedial actions addressed
- Take a lead role in the investigation of employee fatalities (with support from the H&S Manager)

5.2 Directors and Senior Managers must:

- Ensure arrangements for the reporting and investigation of injuries, incidents and near misses are in place at each location for which they are responsible and that responsibilities have been allocated
- Ensure that arrangements for reporting and investigation are regularly monitored and reviewed
- Take a lead role in the investigation of the most serious and 'significant' adverse safety events (with support from the H&S Manager)
- Ensure managers undertaking investigations are competent and have received an appropriate level of training, instruction and information

5.3 Line Managers e.g. Engineering Managers, Operations Managers, Team Leaders or equivalent must:

- Ensure all injuries, incidents and near misses reported to them are recorded internally
- Ensure certain defined injuries and incidents, including confirmed case of occupational disease, are notified to the H&S Manager within 24 hours
- Ensure all injuries, incidents and near misses are investigated appropriately and in accordance with Lothian requirements
- Ensure any recommendations and remedial actions which will prevent recurrence are fully implemented and communicated to employees as applicable
- Consider whether disciplinary action should be taken and regardless of whether action is to be taken or not are fully documented and communicated to the employee
- Seek advice and assistance from H&S Manager where additional resource or advice is required

5.4 H&S Manager must:

- Advise and support management on how to establish suitable mechanisms for reporting, recording and investigation of injuries, incidents and near misses
- Provide additional competent resource to assist in the investigation of serious injuries and incidents and carry out root cause and trend analysis

5.5 Local H&S Committees

- Review injuries, incidents and near misses, identify any trends and identify actions to prevent recurrence

5.6 Employees must, in addition to general duties:

- Report injuries, incidents and near misses to their line manager at the earliest opportunity completing internal report form and Accident Book
- Familiarise themselves with the new risks communicated following injuries, incidents and near misses and adhere to any new or revised control measures in order to prevent recurrence
- Report defects in control measures and work equipment and unsafe conditions that may cause injuries and incidents immediately to the line manager
- Raise any other concerns they may have about their health and safety with their manager in the first instance

6. MEASURE

The requirements of this standard will be monitored by Lothian H&S to ensure effective implementation. Evidence of effective management will include:

- Documented records of injuries and incidents
- Documented records of investigations into near misses, injuries and incidents
- Sharing of lessons learned
- Implementation of recommendations to prevent recurrence

7. AUDIT

7.1 Compliance with the requirements of this H&S Standard will be audited periodically in accordance with the Lothian H&S Audit Programme.

8. REVIEW

This H&S Standard will be reviewed every 2 years or in accordance with Lothian Policy following significant changes in the matter to which it relates.

9. REFERENCES AND RESOURCES

- A brief guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) INDG453(rev1)
- Lothian Injury, Incident and Near Miss Reporting Flowchart (Appendix1)
- Lothian Incident Report Form (IRF)
- Lothian Incident Investigation Forms (IIF)

Table 1: RIDDOR DEFINITIONS

<p>Fatal injuries include:</p> <ul style="list-style-type: none"> • Death of an employee as a result of a work-related accident. The death must be connected with a work activity. • Death of an employee within one year of a reportable injury occurring
<p>Specified injuries to workers include:</p> <ul style="list-style-type: none"> • Fracture, other than to fingers, thumbs and toes; • Amputation of an arm, hand, finger, thumb, leg, foot or toe • Any injury likely to lead to permanent loss of sight or reduction in sight in one or both eyes • Any crush injury to the head or torso, causing damage to the brain or internal organs • Any burn injury (including scalding) <ul style="list-style-type: none"> Which: <ul style="list-style-type: none"> - covers more than 10% of the whole body's total surface area or - causes significant damage to the eyes, respiratory system or other vital organs <p>Burns which meet the above criteria are reportable, irrespective of the nature of the agent involved, and so include burns caused by direct heat, chemical burns and radiological burns.</p> <p>Medical staff may indicate the approximate proportion of skin suffering burn damage, and charts are often available in hospital burns units. In adults of working age, the <i>Rule of Nines</i> can help estimate the body surface area (BSA) affected:</p> <ul style="list-style-type: none"> - skin covering the head and neck: 9% - skin covering each upper limb: 9% - skin covering the front of the torso: 18% - skin covering the rear of the torso: 18% - skin covering each lower limb: 18% <p>If the BSA of a burn exceeds 15% in an adult, they are likely to require hospitalisation for intravenous fluid resuscitation.</p> <p>Where the eyes, respiratory system or other vital organs are significantly harmed as a consequence of a burn, this is a reportable injury irrespective of the surface area covered by that burn. Damage caused by smoke inhalation is not included in this definition.</p> <ul style="list-style-type: none"> • Any degree of scalping requiring hospital treatment • Any loss of consciousness caused by head injury or asphyxia • Any other injury arising from working in an enclosed space <ul style="list-style-type: none"> Which: <ul style="list-style-type: none"> - leads to hypothermia or heat-induced illness or - requires resuscitation or admittance to hospital for more than 24 hours • What to do when the extent of an injury is unclear <p>In some cases, employers and self-employed workers may not be in a position to know the full extent of an injury, e.g. when a prognosis has not yet been established in relation to an eye injury, or when efforts are being made to treat an injured limb which may ultimately require surgical amputation. In such situations, there is no requirement to make precautionary reports of specified injuries. It is likely that the accident will in any case require reporting due to the injured person being incapacitated for more than seven days. The enforcing authority should be notified or updated as soon as a specified injury has been confirmed.</p>
<p>Dangerous Occurrences include:</p> <ul style="list-style-type: none"> • Collapse, overturning or failure of load-bearing parts of lifts and lifting equipment; • The failure of any closed vessel (including a boiler or boiler tube) or of any associated pipework, in which the internal pressure was above or below atmospheric pressure, where the failure has the potential to cause the death of any person. • The failure of any freight container in any of its load-bearing parts while it is being raised, lowered or suspended. • Any unintentional incident in which plant or equipment either: <ul style="list-style-type: none"> - comes into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or - causes an electrical discharge from such an electric line by coming into close proximity to it. • Any explosion or fire caused by an electrical short circuit or overload (including those resulting from accidental damage to the electrical plant) which either: <ul style="list-style-type: none"> - results in the stoppage of the plant involved for more than 24 hours; or - causes a significant risk of death. • Any unintentional explosion, misfire, failure of demolition to cause the intended collapse, projection of material beyond a site boundary; • Any accident or incident which resulted or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness. • The malfunction of breathing apparatus: <ul style="list-style-type: none"> - where the malfunction causes a significant risk of personal injury to the user; or - during testing immediately prior to use, where the malfunction would have caused a significant risk to the health and safety of the user had it occurred during use • Collapse or partial collapse of a scaffold over five metres high;

- Any unintended collapse or partial collapse of:
 - any structure, which involves a fall of more than 5 tonnes of material; or
 - any floor or wall of any place of work
 - arising from, or in connection with, ongoing construction work (including demolition, refurbishment and maintenance), whether above or below ground.
 - 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 flammable liquid; 10 kg of flammable liquid above its boiling point; 10 kg or more of flammable gas; or of 500 kg of these substances if the release is in the open air;
- The unintentional release or escape of any substance which could cause personal injury to any person other than through the combustion of flammable liquids or gases.

Work Related Diseases include:

- **Carpal Tunnel Syndrome:** where the person's work involves regular use of percussive or vibrating tools
- **Cramp of the hand or forearm:** where the person's work involves prolonged periods of repetitive movement of the fingers, hand or arm
- **Occupational dermatitis:** where the person's work involves significant or regular exposure to a known skin sensitiser or irritant
- **Hand Arm Vibration Syndrome:** where the person's work involves regular use of percussive or vibrating tools, or holding materials subject to percussive processes, or processes causing vibration
- **Occupational asthma:** where the person's work involves significant or regular exposure to a known respiratory sensitiser
- **Tendonitis or tenosynovitis:** in the hand or forearm, where the person's work is physically demanding and involves frequent, repetitive movements
- **Occupational cancers**
 - These hazards include all known human carcinogens and mutagens, including ionising radiation. E.g. mesothelioma or lung cancer in a person who is occupationally exposed to asbestos fibres
 - cancer of the nasal cavity or sinuses in a person who is occupationally exposed to wood dust
- **Biological agents**