

WEST LOTHIAN COUNCIL INCIDENT REPORTING GUIDANCE

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1. Introduction

1.1 Purpose

Incidents are recorded to comply with legislation, to identify possible trends, to prevent recurrence and monitor the effectiveness of the Health and Safety Management System. This guidance is aimed at all employees of West Lothian Council.

1.2 Incidents

An incident is any unplanned event resulting in a near miss, an injury, ill health of people, the damage or loss of property, plant, materials or the environment or the loss of business opportunity.

2. Responsibilities

All employees have a responsibility to report **incidents arising out of work or in connection with work activities involving:- injury, physical / verbal abuse, damage to property, near misses, dangerous occurrences and reportable diseases**. They should be reported to you line manager / supervisor regardless of how insignificant they may appear. Incidents involving employees, pupils, contractors, clients, visitors and members of the public should be reported.

Incidents must be recorded on RIVO as quickly as possible. Anyone who has knowledge of the incident can report an incident. Prompt reporting allows managers / supervisors to carry out an initial investigation, implement preventative actions and notify Health and Safety whether or not an injury is sustained. Failure to report an incident can delay any further investigation required.

Employees must cooperate fully with any incident investigations being carried out by line management or Health and Safety.

2.1 Notification from the Health and Safety Executive (HSE)

Managers must inform the HR Manager (Health and Safety) immediately of any correspondence or notification from the Health and Safety Executive (HSE) of intention to visit premises.

3. What to report

To determine whether the incident arose out of or in connection with work consider:

- **Was it due to the way the work activity was organised, supervised, performed, or carried out?** For example, inadequate supervision on an organised excursion or toys not being tidied away, lack of training for carrying out complex tasks; selection of the wrong equipment for the task, a procedure was incorrect resulting in a needle stick injury etc.
- **Was it because of the condition of the structure, fabric of the building, condition or design of floors, stairs, paving, lighting?** e.g. Scaffolding incorrectly built or altered, falling over a tree root that has become exposed due to weather and has not been removed, fingers trapped in a door that needs repaired; someone

falling over in an area where lights or the floor was defective / spillages / cables causing a trip etc.

- **Was it because of the use of plant / substances, appliances?** e.g. machinery not being serviced or maintained or defects not repaired, incorrect storage and use of chemicals / paints, contracting an occupational disease related to work, etc.
- **Was it because of a curriculum / 'work' activity?** e.g. moving a client from their bed to a chair, during an organised classroom / sporting activity e.g. basketball stand falling and striking a pupil whilst putting other equipment away. Burns from a hot food spillage in kitchen, Road Traffic Accident (RTA) **whilst driving at work or in connection with work** if driving a council vehicle, lease car or own vehicle, etc.

If you answer **yes** to any of these questions then the incident must be recorded on an incident report form. If in doubt please contact Health and Safety for advice. Contact numbers are available on My Toolkit.

4. What **NOT** to record in RIVO

All **non-work** related issues for example:

- Client has fallen in a care home which is not related to lack of supervision, defective floor coverings or a work related activity.
- A child tripping over in the playground and there was no apparent cause i.e. was not caused by weather conditions, lighting was satisfactory, supervision was satisfactory, ground was in good condition etc.
- Vandalism / malicious damage to council property, vehicles, plant / machinery.
- Theft of council vehicles, machinery, tools, personal property, office equipment and council property (appropriate insurance form should be completed).
- Incidents that occur during personal / private time.
- Incidents that occur between members of the public – personal issues.
- Leisure / DIY injuries.

This list is not exhaustive and further advice can be given by Health and Safety.

Incidents which are not "at work" related can be recorded in onsite records.

5. When to report

All incidents should be reported **as quickly as possible** and within three days on RIVO

If a serious incident occurs resulting in an ambulance / paramedic being called and the injured person is taken directly from the scene to hospital you should contact Health and Safety without delay. This will allow them to gather information and begin an investigation.

For out of hours working, service areas should follow their own in-house procedures.

5. Incident Categories

5.1 Near Misses

A "near-miss" can be defined as an event not causing harm, but has the potential to cause injury, ill health or damage. Near Misses must be recorded if there was the potential for injury to occur. Near miss reporting allows managers / supervisors to take corrective preventative action before a similar incident happens which could result in an injury or damage.

Examples of near misses:

- An extension cable that has been incorrectly placed over a walkway where people would walk and could trip over
- Sharp edges on equipment that could cause cuts etc.
- Items falling from a shelf narrowly missing a work colleague or others in the vicinity
- Medication wrongly prescribed but not given to client
- Personal protective equipment entangled in equipment but employee not drawn into machine
- Commercial vehicle reversing without a reverse assistant and almost hitting someone
- The wrong type of asbestos survey in place for an area where works were postponed prior to disturbing the fabric of the building. Asbestos incidents should be reported as per the service emergency communication process plan

This list is not exhaustive and further advice can be given by Health and Safety.

5.2 Minor Incidents

Minor incidents, however small or insignificant they may appear should be reported, investigated and recorded on an incident report form.

5.3 Violence at work

Violence at work, whether verbal, physical, threatening assault or harassment (including racial or sexual harassment) should be recorded on the incident report form and submitted to Health and Safety. Violence may include, threatening gestures, verbal abuse, swearing, kicking, biting, slapping, spitting, use of weapons etc.

There may be circumstances where it may not be clear that the incident arose from an intent to cause harm e.g. where there is pre-existing medical conditions where certain behaviours may be exhibited. With these cases, the employee and manager should discuss the incident and decide if there was intent to harm. If the employee considers that a violent incident has occurred the incident must be reported as a violent incident.

If more than one person is assaulted in the same incident, separate forms must be submitted for each individual. Only those who have been assaulted should log this on RIVO..

5.4 Incidents that must be reported to the HSE

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) are regulations that outline when specific incidents must be reported to the Health and Safety Executive (HSE).

West Lothian Council are duty bound to report such incidents within the following timescales shown on the table below.

HSE Timescales on RIDDOR reporting per subject area.

Legally, Health and Safety must report within these maximum timescales.

Type	How to report	Max
Specified injuries to workers	Quickest means Practicable	10 days
Incapacitation of an employee for more than seven days	As soon as practicable	15 days (does not include the day of the incident but does include weekends and rest days)
Non fatal injuries to non workers	Quickest Means Practicable	10 days
Fatalities	Quickest Means Practicable	10 days
Dangerous Occurrences	Quickest Means Practicable	10 days
Disease	Without delay following diagnosis	

RIDDOR requires over 3 day accidents to be recorded– but not reported to HSE

5.4.1 Over Seven Days absence from work

In the event of an injury that results in absence of more than seven consecutive days or if an employee is unable to do their normal work for more than seven consecutive days (excluding the day of the incident but including weekends and rest days), the incident must be investigated and preventative measures put in place.

After the seventh day of the incident, the line manager must inform Health and Safety of the persons over seven day absence.

5.4.2 Specified Incidents

The regulations also outline specific injuries that must be reported

- death of an employee or member of the public if this arises from a work accident
- fractures, other than to fingers, thumbs and toes
- amputations
- dislocation of the shoulder, hip, knee or spine
- any injury likely to lead to loss of sight or reduction in sight (temporary or permanent)
- any crush injury to the head or torso causing damage to the brain or internal organs
- any burns (including scalding) which:
 - covers more than 10% of the body
 - causes significant damage to the eyes, respiratory system or other vital organs
- any scalping requiring hospital treatment
- any loss of consciousness caused by head injury or asphyxia
- any other injury arising from working in an enclosed space which leads to hypothermia, heat-induced illness or requires resuscitation or admittance to hospital for more than 24 hours.

The Incident should be logged on RIVO and submitted to Health and Safety ASAP.

5.4.3 Incidents involving non employees in Council Premises

A member of the public (including visitor or pupils) taken directly to hospital from the scene of the incident as a result of an accident arising out of or in connection with work activities should be reported to Health and Safety and may have to be reported to the HSE depending on the circumstances around the incident. Health and safety should be contacted for advice.

5.4.4 Reportable Occupational Diseases

Certain occupational diseases, where these are likely to have been caused or made worse by work activities fall under RIDDOR reporting to the HSE. The reportable diseases and associated hazards are set out below:

- **Carpal Tunnel Syndrome:** where the person's work involves regular use of percussive or vibrating tools
- **Severe cramping of the hand or forearm:** where the person's work involves prolonged periods of repetitive movement of the fingers, hand or arm (repetitive strain injury)
- **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
- **Any Occupational cancer**
- **Any disease attributed to an occupational exposure to a biological agent e.g.:**
 - Hepatitis
 - Legionellosis
 - Leptospirosis
 - Lyme disease
 - Tetanus
 - Tuberculosis

The requirement to report a case applies only to where a written diagnosis from a registered medical practitioner has been received. As soon as the line manager / supervisor is made aware of a reportable disease they must complete an incident report form on RIVO and submit this to Health and Safety along with evidence of the written diagnosis confirming the disease. Health and Safety must notify the HSE without delay following diagnosis.

The service area management must take action to prevent the disease from getting worse. Health Surveillance may be required depending on the type of disease.

5.4.5 Dangerous Occurrence

A dangerous occurrence is an event with a high potential to cause death or serious injury. Dangerous occurrences must be reported to Health and Safety ASAP for further investigation.

Reportable Dangerous Occurrences apply to all workplaces and include:

- the collapse, overturning or failure of any load-bearing parts of lifts and lifting equipment
- explosion, collapse or bursting of any part of a pressure system
- any associated pipework forming part of a pressure system
- plant or equipment coming into contact with overhead power lines
- electrical short circuit or overload causing explosion or fire
- malfunction of breathing apparatus while in use or during testing immediately before use
- collapse or partial collapse of:
 - a scaffold over 5 meters high or any scaffold erected near water where there could be a risk of drowning after a fall
- A dangerous substance being conveyed by the road is involved on a fire or release
- Unintended collapse of: a building or structure under construction, alteration or demolition where over 5 tonnes of material fall; any false work
- Explosion or fire causing suspension of work for over 24 hours
- Sudden, uncontrolled release in a building of 100kg or more of a flammable liquid above its boiling point; 100kg or more of flammable gas; or 500kg of these substances if the release is in the open air.
- Accidental release of any substance which may damage health

5.4.6 Fatality

All deaths to workers and non-workers, with the exception of suicides, must be reported if they arise out of an incident "At Work", including an act of physical violence to a worker. In the event of a fatal incident, the line manager / supervisor must contact the Health and Safety immediately by telephone. The HR Manager (Health and Safety) will notify the appropriate senior management team of the fatality. Health and Safety will notify the HSE of the death.

It is normal for the police to attend a 999 emergency call to a work related incident, along with an ambulance. The Police, HSE or other agencies may lead the investigation into the fatality. West Lothian Council will cooperate with all agencies to conclusion.

5.4.7 Action to be taken in the subsequent death of an employee

There is a requirement to report the subsequent death of an employee who dies as a result of a reportable injury within one year of the incident.

Reasonable steps must be taken to monitor the progress of a West Lothian Council employee who is seriously injured and leaves their employment within a year of the incident. Information must be reported to the HR Manager (Health and Safety).

5.4.8 Action to be taken where the incident involves a contractor

The contractor should report all incidents to their own employer and the responsible person of West Lothian Councils site / premise. The responsible person for the Council will log the incident on RIVO. It is the responsibility of the contractor's employer to ensure any RIDDOR incidents are reported to the HSE timeously.

5.4.9 Gas Incidents

Registered gas engineers (under the Gas Safe Register,) must provide details of any gas appliances or fittings that they consider to be dangerous, to such an extent that people could die, lose consciousness or require hospital treatment. The danger could be due to the design, construction, installation, modification or servicing of that appliance or fitting, which could cause:

- an accidental leakage of gas;

- incomplete combustion of gas or;
- inadequate removal of products of the combustion of gas

Sub-contractors have a duty to directly report dangerous occurrences to the HSE. Where line managers / supervisors are aware of sub-contractors intent to report a dangerous occurrence to the HSE, Health and Safety should be advised of the incident.

6. Investigating an incident

All near misses, minor or serious incidents should be investigated to determine the route cause and action preventative measures. An investigation should be carried out by a supervisor / manager and recorded on RIVO within five working days of the incident being reported to them. Health and Safety may carry out a more in depth investigations from time to time depending on the incident.

6.1 Serious Incidents

If a serious incident occurs the following action should be taken:

- the scene of a serious incident should be made safe
- the injured person cared for
- secure the area and where possible leave undisturbed until advice has been taken from Health and Safety. This is to ensure that vital evidence in an investigation is not disturbed.
- collect factual evidence regarding the incident such as:
 - Taking photographs
 - Witness statements (signed and dated)
 - Making drawings or sketches of the area
 - Noting the environmental conditions at the time of the incident
 - Records e.g. Risk Assessments, Safe Systems of Work (SSOW), Training records, Maintenance / Inspection documents, 1st aid assessment of needs, PPE etc.

Team work is required to find the route cause and an action plan may be created and communicated to all relevant parties on preventative measures.

All relevant Information to the incident will assist Health and Safety with route cause and trend analysis.

7. How to report an Incident

RIVO is the online safety management system used within West Lothian Council. Where staff do not have access to the online system a template form to record initial information is available on MyToolkit and services should make arrangements for any paper recording of incidents to be uploaded to the electronic system

Contact Health and Safety immediately to advise them of a fatality or serious incident.

9. Review

It is vital to ensure relevant Risk Assessments and Safe Systems of Work (SSOW) are revised after an incident and where appropriate additional control measures implemented. A communication process must be in place to ensure relevant people know the content of the revised Risk Assessment and SSOW and a documented record kept.

10. Frequently asked questions

Q. What do I need to report?

All Incidents that arise out of or in connection with work should be reported as soon as possible. Look at the examples in this document and decide if the accident arose out of work. Ask yourself the question was there anything wrong with the fabric of a building or underfoot conditions, the lighting or layout of a workspace, defective equipment / machinery, lack of information, instruction and training for tasks, the procedure or process was wrong, etc.

Q. A Statutory Inspection has uncovered a serious defect that is notifiable by the inspector to the HSE, what should I do?

A copy of the Defect report should be passed to Health and Safety immediately.

Q. Do I need to report incidents involving Road Traffic Accidents or damage to vehicles?

All incidents involving Road Traffic Accidents or Vehicle should be reported.

Q. Do I need to report incidents that occurred to me on my way to or from work?

An incident such as a Road Traffic Accident that occurred and caused injury to yourself or damage to your vehicle before you started work or after you finished work would not normally need to be reported. But if the incident was work related or involved WLC property or vehicles then it should be reported.

Q. Why do I need to report incident and why complete all sections of the report?

It is essential for Health and Safety to have all details of the incident to decide if an investigation is required, for HSE RIDDOR reporting, Internal management reporting, incident trend analysis, and for defence on possible claims or HSE intervention.

Q. Who is entitled to see the completed incident forms?

The person whose information appears on the form or parent / legal guardian is entitled to request a copy. Advice should be taken from the service Health and Safety adviser before information is downloaded from RIVO.

Q. Who is entitled to see an Incident Investigation report?

This information is confidential and should not be given out without authorisation from the HR Manager (Health and Safety).

Q. Who can see the reports on the Electronic system?

Only those with designated access can see report forms in RIVO. All employees can report an incident through the link on MyToolkit but only those with designated permissions will be able to view the incident once its submitted. The Line Manager and the Health and Safety Adviser will review and either approve or reject the report having checked the details of the incident, the subsequent investigation and the corrective actions taken to prevent a reoccurrence.

11. Useful Links

Reporting accidents at work - <http://www.hse.gov.uk/pubns/indg453.htm>

Incident reporting in schools can be found at – <http://www.hse.gov.uk/pubns/edis1.htm>

Incident reporting within Health and Social Care can be found at
<http://www.hse.gov.uk/pubns/hsis1.htm>

12. Supporting Information

The Health and Safety at Work etc. Act 1974

The Data Protection Act 1998

The Health and Safety (First Aid) Regulations

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

The Management of Health and Safety at Work Regulations (as amended)

The Safety Representatives and Safety Committee Regulations (as amended)

The Health and Safety (Consultation with Employees) Regulations (as amended)

West Lothian Council, Occupational Health and Safety Policy