

HEALTH & SAFETY AT WORK

INCIDENT SELECTION CRITERIA

INVESTIGATIONS OF WORKPLACE ACCIDENTS, DANGEROUS OCCURRENCES AND WORK-RELATED ILL HEALTH

1. INTRODUCTION

This Policy will provide a common, transparent procedure for the Infrastructure Service, Aberdeenshire Council on the selection of RIDDOR notifications for investigation. The procedure forms part of the current LA National Code, which ensures a proportionate, transparent and targeted approach to the selection and investigation of incidents.

2. SCOPE

The Policy covers the handling of all notified incidents received by Aberdeenshire Infrastructure Service as a regulatory authority, whether reportable or not.

The scope of the procedure does not extend to circumstances where local authorities in another regulatory capacity e.g. planning, highways, are best places to deal with breaches of the law.

3. STATEMENT OF POLICY

- 3.1 It is the Policy of the Service to select incidents for investigation with reference to the Health and Safety Executive's Enforcement Policy Statement as well as the current Health and Safety (EH) Enforcement Policy.

When deciding which incidents to investigate and the level of resource to be allocated to the investigation, account shall be taken to the:

- Severity and scale of potential or actual harm.
- Seriousness of any potential breach of the law.
- Duty Holders known past health and safety performance.
- Enforcement priorities.
- Practicality of achieving results.
- Wider relevance of the event including serious public concern.

- 3.2 In certain cases the Service may decide not to investigate where:

- There are no reasonably practicable precautions
- It is impracticable to investigate or follow up

- There are inadequate resources to investigate or follow up (For mandatory incidents that are not investigated a Decision Recording Form (DRF) must be completed by the Enforcement Officer and counter signed by the Line Manager.)

3.3 The Service will in accordance with its duty under Section 18, allocate sufficient time and resources for reactive work to investigate accidents, dangerous occurrences and causes of occupational ill health.

3.4 Not every incident reported to the Service will require investigation. The criteria for selecting incidents that we may consider suitable for further investigation are detailed in the following sections.

4. PROCEDURE WITH NOTIFIED INCIDENT

4.1 Incidents relating to accidents, dangerous occurrences and occupational ill health will come to the Service attention either formally through the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) procedures or informally through complaints, Officers visits or enquiries from Solicitors acting on behalf of an injured party etc. Officers should ensure they follow the Investigation Selection Process Flow Chart (Appendix A)

4.2 Where the incident online database is used:

- Check the online database each day and accept correctly allocated incidents or reallocate as appropriate using the relevant enforcing authority guidance.
- Redirect the RIDDOR notifications received by post or fax which are normally handled by the online database but which have been erroneously sent directly to the Service

The Team Manager (Health and Safety) will monitor the online Website daily reports as Incident Officer IO9052 for Aberdeenshire.

4.3 Where the online incident notification database is not used, ensure that the incident is dealt with by the correct enforcing authority by:

- Checking, if necessary, the Enforcing Authority Regulations
- Checking the incident occurred within Aberdeenshire
- Redirecting the incident, where appropriate, to another enforcing authority.

N.B Officers should ensure they report all incidents reported directly to them to the on-line notification via telephone, e-mail or fax.

4.5 All incidents received are to be considered by the Team Manager or appropriate person responsible for allocation, who will decide what incidents are to be

investigated based on the criteria outlined in section 6. The Team Manager will allocate incidents to be investigated to appropriate field staff.

- 4.6 If the incident is selected for investigation the Team Manager should record the selection decision together with the investigation objectives and allocate the investigation to an appropriate field officer. An Investigation Selection recording form is attached at Appendix B.

5. INVESTIGATION OF INCIDENTS WHERE INITIAL REPORTS DO NOT PROVIDE ENOUGH INFORMATION FOR INVESTIGATION DECISION

If the information provided on an accident does not provide enough information on which to base a decision to investigate or evident facts require further analysis the Team Manager should ensure further information is obtained from the relevant party i.e. duty holder, injured party, either by letter, telephone etc. A standard letter is attached at Appendix C for this purpose.

6. MANDATORY INVESTIGATIONS

The following defined major incidents should always be investigated:

6.1 Fatal Accidents

All fatalities, as a result of an accident arising out of or in connection with work activities, whether it is an employee or a member of the public. (This excludes suicides (unless deemed work related) or deaths from natural causes.)

6.2 Specified Injuries

The following RIDDOR defined specified (major) injuries to all persons including non-employees, irrespective of the cause:

- All amputations of digit(s)
- Amputation of hand/arm or foot/leg
- Fractures
- Crush injuries leading to organ damage
- Head injuries involving loss of consciousness
- Burns and scalds
- Permanent or temporary blinding of one or both eyes
- Any degree of scalping
- Asphyxiations

6.3 Occupational Diseases

- All reports of cases of occupational disease, which meet the criteria of report ability under RIDDOR, except those arising from circumstances/ have already been investigated.

6.4 RIDDOR injuries highlighted by Programmed Directed Inspections (Strategic Priorities) as set out by the HSE Board.

6.5 **Where a serious non-compliance appears to be the cause of an incident.**

Where a serious non-compliance appears to be the cause of the incident and is likely to have involved a serious breach of health and safety law. A serious breach of the law is one where the enforcement expectation using the Enforcement Management Model (EMM) would determine as requiring a Notice or Prosecution.

6.6 **All incidents likely to give rise to serious concern.** This reflects the views of the public at large not just those of the individual. Consider in particular:

- Incidents involving children, vulnerable adults and multiple casualties where the outcome or potential outcome is serious.
- Dangerous occurrences with the potential for directly causing the death of anyone or major injuries.

6.7 **DISCRETIONARY INVESTIGATIONS**

Those incidents not falling into the above criteria for mandatory investigation may be investigated at the Service discretion when taking into account the following factors:

- Any other incident which relates to the Health and Safety Executive's Strategic priority which has not caused a RIDDOR defined major injury, or one which arises from a specific health and safety initiative that may be contained within the Service Plan or Single Outcome Agreements.
- The poor health and safety track record of the duty holder and whether or not there has been a history of similar events.
- The incident has the potential for high public profile/media attention or has received considerable media attention leading to reputational risk through inaction/perceived inaction.
- Any incident that has been identified as being useful for:
 - i. enhancing sector good practice/technical knowledge or
 - ii. training and developing staff as recognised from any Regulators Development Needs Analysis (RDNA) Tool discussions.

6.8 **NON-INVESTIGATION OF A MANDATORY INCIDENT.**

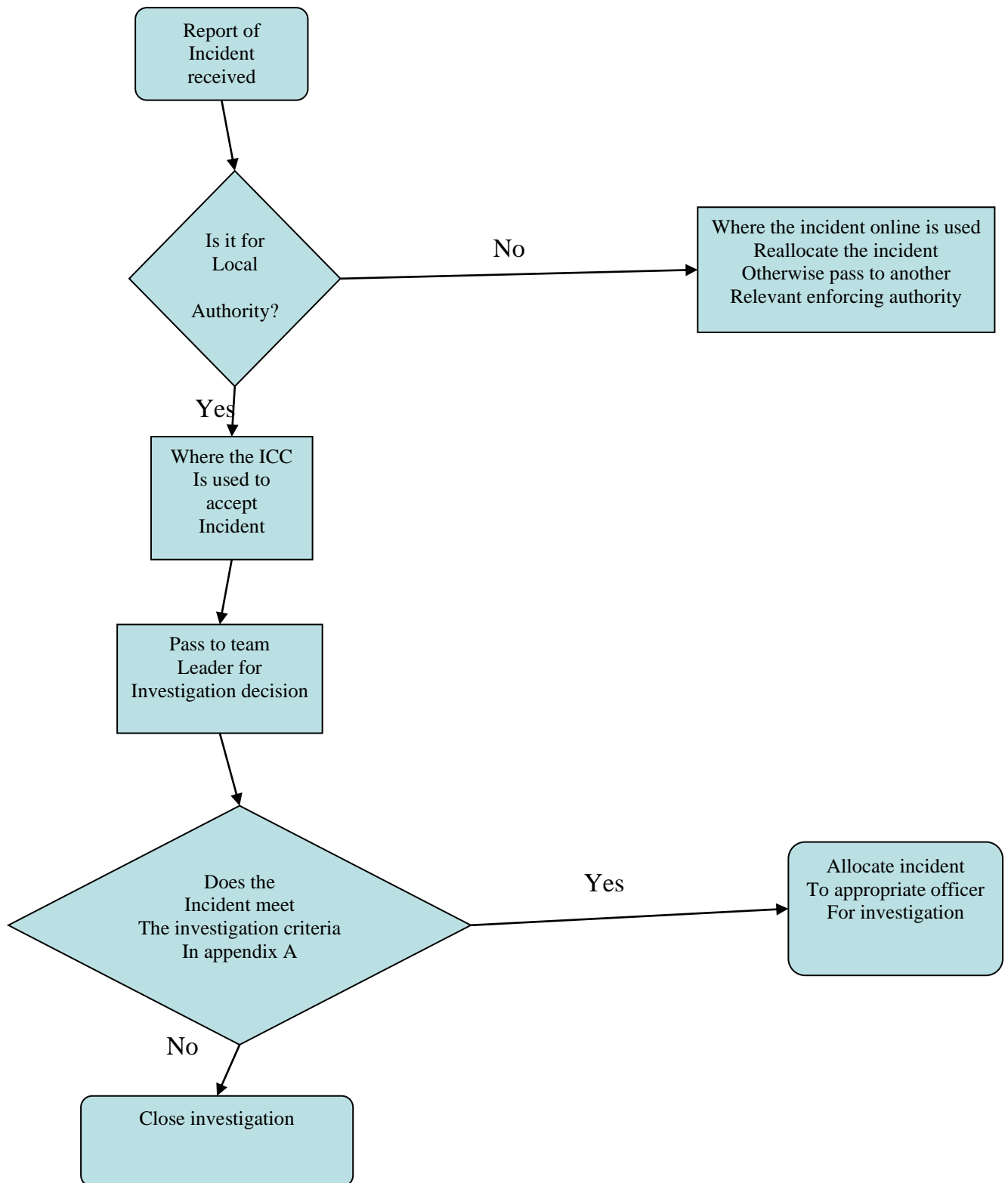
The grounds for not investigation incidents that would normally be investigated would include:

- Incidents reported that do not meet the criteria for investigation as detailed above.

- The impracticability of an investigation e.g. unavailability of a key witness(es), key evidence is no longer available.
- Investigating the accident will mean the Service will be acting ultra vires (acting beyond the powers).
- There is conflict of interest between the Service as a regulator and a duty holder.

Remember that for mandatory investigation that is not investigated, a decision recording form (DRF) Appendix D must be completed by the Officer and counter signed by the Line Manager.

APPENDIX A



APPENDIX B

Investigation Selection Form

QUALIFYING CRITERIA FOR INVESTIGATION	e.g. On Selection, for Investigating Officer
(A) DEFINED CIRCUMSTANCES	
Fatality arising out of or in connection with work	
Amputation of digit	
Amputation of hand/arm or foot/leg	
Serious fractures	
Crush injuries leading to internal organ damage	
Head injuries involving loss of consciousness	
Burns and scalds	
Permanent or temporary blinding of one or both eyes	
Any degree of scalping	
Asphyxiations	
RIDDOR injuries defined by Strategic Programmes set out by the HSE Board. For current FIT 3 this is:	
Workplace transport incidents	
All Electrical incidents	
Falls from heights	
All incidents arising from working in a confined space	
Slips and Trips	
Diseases & Dangerous Occurrences:	
All RIDDOR reportable diseases (except those already investigated)	
All RIDDOR reportable dangerous occurrences (except as above)	
(B) CIRCUMSTANCES ALLOWING DISCRETION	
Public concern (public at large not just an individual)	
Serious breach of H&S law (warranting notice or prosecution)	
Incidents relating to inspection programme	
Incident involving plant or processes which could enhance knowledge	
Training of inspectors	
Complaint criteria	
Deviation from criteria – note reason(s).	
DISQUALIFYING CRITERIA	
Does not meet qualifying criteria above	
Inadequate resources – this must be referred to line manager	
Impracticability of investigation	
No reasonably practicable precautions available for risk reduction	
• Referred to line manager?	
DECISION – INVESTIGATE? Yes/No	

INVESTIGATING OFFICER

DATE.....

TEAM LEADER

DATE.....

APPENDIX C

Letters requesting further information from IP (Injured Person)

Dear Sir\Madam,

YOUR INJURY

Enclosed is a copy of information that has recent s local
authority under the Reporting of Injuries, Diseases and Dangerous Occurrences
Regulations 2013 (RIDDOR form 2508).

The Council requires further information on which to decide if further investigation is
needed. Please check the RIDDOR 2508 form for accuracy and provide the
information indicated on the two attached pages **within the next 14 days.**
If you have any questions please do not hesitate to contact me.

Yours faithfully

Enclosed:

A copy of the RIDDOR Report received by the Council

Return Envelope

FURTHER INFORMATION REQUIRED BY LA: INJURY TO

(A. N. OTHER)

Please provide answers to the following questions either in the space provided or on a separate sheet, making sure you state the question number.

1. Please confirm what you were doing when you were hurt.

2. Was this one of your normal responsibilities and had you done the task before?

3. Please say whether you were specifically asked to do the task and if so, who it was that asked you.

4. Were you given any information or instructions on how to do the task, including any equipment or method of work? If so, were you able to follow the instructions or was there some reason that this was not possible?

5. Are you aware of any previous injuries or near misses involving anyone else related to the activity? Please provide details.

6. Had you been told of the results of a risk assessment for the activity? If so, can you recall what they were?

7. If you have returned to work, has anything changed, e.g. new precautions?

8. Please say if the information provided on the report of injury form is correct and if not provide the amended details here. Please confirm your injuries and how long you are likely to remain off work if you have not already returned.

Signed:

Print Name:

Letter requesting further information from Employer

Dear Sirs

INJURED PERSON:

DATE OF INJURY:

Please find enclosed a copy of the information, which you have provided to this local authority regarding the above incident. The incident has been selected for further enquiries.

The enclosed sheet contains details of the information, which we require as part of these enquiries.

Please return the completed questionnaire to me within the next 14 days. Failure to reply within the timescale may result in a visit to your premises by a Health and Safety Officer to make further enquires.

If you have any questions, please do not hesitate to contact me on

Yours faithfully

Reference:

Injured Person's Name:

FURTHER INFORMATION REQUIRED FOR LOCAL AUTHORITY INVESTIGATION

1. What were the circumstances of the accident?

2. How did the accident happen?

3. Why did the accident happen?

4. How does the accident affect the significant findings of your Risk Assessment for this task (as required by Regulation 3 of the Management of Health and Safety at work Regulations 1999);

5. What action has been taken to reduce the risk of a recurrence of such an accident?

6. Where any photographs taken or sketches made of the scene of the injury? If so, please provide copies.

7. What are the names and addresses of any witnesses to the injury or other persons who may be able to assist in the investigation?

8. Were any written statements taken from these witnesses? If so please provide copies.

APPENDIX D

Template Decision Recording Form

Decision Recording Form Recording decisions not to investigate a RIDDOR incident

Part A - Reason for Officer line manager not selecting incident for investigation
(please tick appropriate box(es))

1. Following consideration of HSE's HSWA Section 3 policy
Tick box if additional papers are available
(See HSWA Section 3 policy - Recording decisions not to investigate)
2. Decision making factor is relevant:
Investigation is impractical
No reasonably practicable precautions are available for risk reduction
Inadequate resources available or other developing priorities

(Note: Notify Senior Manager of provisional decision to request approval at Part D)

Inspector Line Manager initials

Date

Part B – Officer line manager decision to cancel investigation

Incident meets selection criteria and selected but investigation does not proceed due to inadequate resources or other developing priorities.

(Note: Notify Senior Manager of provisional decision to request approval at Part D)

Officer Line Manager initials

Date

Part C - Officer line manager decision on receipt of additional information

Where decision 'Not Inv' remains unchanged due to inadequate resources

(Note: Notify Senior Manager of provisional decision and request approval at Part D)

Where decision changed to 'investigate' give name of investigating officer

Line Manager initials

Date

Part D - Senior manager consideration of inspector line manager's decision on inadequate resources/other developing priorities (please tick appropriate box)

Decision not to investigate approved

Incident to be investigated (specify action below)
Action to be taken:

Senior Manager initials

Date