
Accident Reporting

It is essential that all incidents and near misses are reported to employers so that they can take preventive action to protect members' health and safety. Particularly important to prevention are the effective use of RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) and the Accident Book, in conjunction with Safety Reps' rights under the SRSC (Safety Representatives and Safety Committees) Regs.

According to HSE at least 50% of RIDDOR-reportable incidents are not reported. It is a criminal offence not to report where required under RIDDOR. It puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences. The information about RIDDOR included here is indicative rather than comprehensive as, for example, there are specific provisions for railways, offshore, wells, mines and quarries. Members in these type of workplaces should consult RIDDOR in detail. Employers are expected to investigate the circumstances of every accident as part of their duties under Reg 5, Management of Health and Safety at Work Regulations 1999, which requires employers to plan, organise, control, monitor and review their health and safety arrangements.

What must be reported under RIDDOR 2013?

Over-seven-day incapacitation of a worker

Accidents must be reported where they result in an employee or self-employed person being away from work, or **unable to perform their normal work duties**, for more than seven consecutive days as the result of their injury. This seven day period does not include the day of the accident, but does include weekends and rest days. The report must be made within 15 days of the accident. "Unable to perform normal duties" means that if a person is unable to do any aspect of work that they would normally do, as a result of work related injury, then it is reportable. It does not have to be full incapacitation, it includes partial incapacitation also i.e. stopped from doing a part of the normal work they would do. So, for example, if a person attends work and on so-called "light duties" which are not duties carried out in the normal course of their work and the person would otherwise be off work for more than 7 days then this incident is still reportable.

Over-three-day incapacitation

Accidents must be recorded, but not reported where they result in a worker being incapacitated for more than three consecutive days. Your employer must keep an accident book under the Social Security (Claims and Payments) Regulations 1979, that record will be enough to record 3-day accidents.

Work-related accidents

Under RIDDOR an accident is a separate, identifiable, unintended incident that causes physical injury wherever the employees are working. This specifically includes acts of non-consensual violence to people at work. An accident is 'work-related' if any of the following played a significant role:

- the way the work was carried out
- any machinery, plant, substances or equipment used for the work, or
- the condition of the site or premises where the accident happened

If none of these factors are relevant, it is likely that a report will not be required. However, on the matter of matter of non-consensual physical violence done to a person at work, (and possibly other examples such as dog attacks) which must be reported, the above tests may prove of less worth. For example, where a meter reader is attempting

to read a meter and is attacked by the customer, this will be reportable, despite the fact that the manner in which the work was carried out, the equipment used for the work or the condition of the site or premises is unlikely to be a factor. The three tests can only be applied where they are truly applicable.

Everyone present in a workplace – including employees, contractors and visitors is covered by RIDDOR. Specified injuries (used to be called major injuries) which are reportable -

- fractures, other than to fingers, thumbs and toes;
- amputations;
- any injury likely to lead to permanent loss of sight or reduction in sight;
- any crush injury to the head or torso causing damage to the brain or internal organs;
- serious burns (including scalding) which covers more than 10% of the body
- any injury that 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 or heat-induced illness;
- an injury which requires resuscitation or admittance to hospital for more than 24 hours

RIDDOR 2013 replaced RIDDOR 1995 in GB in 2013, and brought significant reductions in reporting requirements compared with RIDDOR 1995. The list of reportable diseases and dangerous occurrences has been shortened.

Northern Ireland

The Northern Ireland government decided not to follow the GB when it adopted reduced reporting requirements. They have retained their regulations in full (Reporting of Injuries, Diseases and Dangerous Occurrences (Northern Ireland) Regulations 1997). They still use the supporting guidance to their regulations based on the HSE guidance for RIDDOR 1995 which provides a very useful interpretation of the regulations.

<https://www.hseni.gov.uk/publications/riddor-ni-97-booklet>

Recordable accidents

If the person is off for more than 3 days but not over 7 days, it is recordable. The HSE advises that the Accident Book would be a suitable place in which to record over 3 day injuries. Accidents to members of the public or others who are not at work must be reported if they result in an injury and the person is taken directly from the scene of the accident to hospital for treatment to that injury. Examinations and diagnostic tests do not constitute 'treatment' in such circumstances. There is no need to report incidents where people are taken to hospital purely as a precaution when no injury is apparent.

Reportable occupational diseases

Employers and self-employed people must report diagnoses of certain occupational diseases, where these are likely to have been caused or made worse by their work: These diseases include (regulations 8 and 9):

- carpal tunnel syndrome
- severe cramp of the hand or forearm
- occupational dermatitis
- hand-arm vibration syndrome
- occupational asthma
- tendonitis or tenosynovitis of the hand or forearm
- any occupational cancer
- any disease attributed to an occupational exposure to a biological agent

Reportable dangerous occurrences

Dangerous occurrences are certain, specified near-miss events. Not all such events require reporting. There are 27 categories of dangerous occurrences that are relevant to most workplaces, for example:

- the collapse, overturning or failure of load-bearing parts of lifts and lifting equipment;
- plant or equipment coming into contact with overhead power lines;
- the accidental release of any substance which could cause injury to any person.

(Schedule 2 of RIDDOR provides a full list)

When should an incident be reported?

For most types of incident, without delay, online to the enforcing authority; or for deaths and specified injuries only the responsible person can phone 0345 300 9923. Over 7 day incapacitation to worker must be received within 10 days of the incident using the appropriate online form

Keeping RIDDOR records

The Responsible Person (RP) must keep a record of any reportable injury, over-three day injury, disease or dangerous occurrence. They can print and/or save a copy of the online form. A copy of the form will be automatically emailed to the email address provided by them. If RP does not keep a copy of the online form, their records must include the date and method of reporting; the date, time and place of the event; personal details of those involved; and a brief description of the nature of the event or disease.

Safety Representatives and Safety Committees Regulations 1977 (SRSC)

Quick and accurate investigation of accidents and near misses can ensure that they are not repeated and that any injured person obtains the appropriate compensation. It is very important to keep a written record of what you observe and if possible take photographs. Under the SRSC Regs safety reps functions include specific rights in relation to accidents, diseases and dangerous occurrences, ie:

- Investigate dangerous occurrences and causes of accidents (Reg 4(1)(a))
- Inspect after over-three-day injuries, a notifiable accident, dangerous occurrences and diseases
- Inspect where there has been an over-three-day injury, a notifiable accident or dangerous occurrence, or a notifiable disease has been contracted, and it is safe for an inspection to be carried out, and the interests of workers in the group or groups which safety representatives are appointed to represent might be involved. Those safety reps may carry out an inspection of the part of the workplace concerned, and so far as is reasonably practicable to do so, they shall notify the employer of their intention to do so (Reg 6(1))
- Receive help, facilities and information from the employer to enable them to carry out inspections effectively, including facilities for independent investigation by safety reps and private discussions with workers (Reg 6(2))
- Examine any relevant machinery, plant, equipment or substance in the workplace so that the cause can be determined and the actions to prevent recurrence can be considered (Guidance Note 26). This must not disturb or damage any evidence before an inspector from the enforcing authority has investigated (Guidance note 28)
- If the employer needs to take urgent action to safeguard against further hazards then the employer should notify the safety representative in writing of any action taken (Guidance note 27).
- Inspect information that the employer keeps relating to the occurrence of any accident, dangerous occurrence or notifiable industrial disease and any statistical records relating to such (Reg 7 ACOP 6c)
- In the case of inspections, extra expertise from outside the organisation can be agreed between the employer and the unions, or safety reps may call in their own advisers with the employer's agreement
- Any report made by a third party to the safety reps should also be given to the employer.

The accident book

Under Social Security law, (Social Security (Claims and Payments) Regulations 1979) anyone making a claim for Industrial Injury Benefit must have proof that the injury is work related. Employers are required to keep a record of accidents for this purpose. If an employer has more than 10 employees, or owns or occupies a mine, quarry or factory, they must keep an accident book. So, an Accident Book or some equivalent means of recording accidents is needed. If the employer chooses to use their own accident recording system (paper or electronic) it must capture the same information as the Official Accident Book (BL510) and they must ensure that records are confidential and comply with data protection requirements.

This information is required in connection with claims for industrial injuries benefit. Information recorded in the accident book can also provide valuable evidence in the event of a compensation claim by a member. It is the injured person's responsibility to ensure the details are entered into the Accident Book, either by themselves or by somebody acting on their behalf. Members should be encouraged to report injuries, no matter how trivial they seem at the time. Details should include:

- Section 1: Name, home address and occupation of injured person.
- Section 2: Details of person making the entry if not the injured person.

- Section 3: Time, date, location and description of what happened and signature of the person entering the details. The member should tick the box to allow the rep to receive the full report.

- Section 4: To be filled in by the employer if the accident has to be reported under health and safety law.

The employer must not interfere with the individual's entry or change it in any way. The employer:

- Must make the book/electronic record available
- Must investigate the cause of the accident
- Can add their version in section 3 if different from employee's version
- Must keep paper/electronic records (and any book covers) for at least 3 years

At the front of the book the employer should identify the member of staff who is responsible for keeping the confidential records.

In some workplaces the employer may have decided to nominate a person (supervisor/personnel manager etc) to fill in the Accident Book. This can ensure the entry is made and the accident investigated. But, the book (or electronic version) must still be readily available and the member must be allowed to enter their version of the events, not the management's, and the member shouldn't be pressured into not making the entry. If the manager refuses to allow access to the accident book or doesn't allow the member to record their own version of events, then the member or the Union rep acting on the member's behalf must make sure there is a written record of the problem.

The member or the Union rep should:

- Write to the employer asking for the record to be made or changed.
- In the letter give the members name, address, occupation and the date, time, place and description of the accident/incident.
- Make sure the letter is signed and dated.
- Keep a copy in a safe place.

Safety reps are entitled to information relating to the health and safety of their members, and to investigate accidents. A tick box is included on each page of the BL510 Accident Book asking whether the injured person gives his or her consent to the disclosure of the information contained in that record to safety representatives. Employers should make sure that some equivalent means exist in relation to any electronic system.

If the injured person has ticked the tick box (and signed the form), the employer:

- should disclose the information contained in the accident record, so far as it relates to the injured person, to safety representatives
- anonymise the information if the injured person does not tick the tick box and disclose it to safety representatives

The information about the accidents will be kept in confidential records. If the member does not tick the box then the form should be given to the rep in anonymised form.

To ensure that safety reps are kept up to date it is vital that:

- The member should tick the tick box on the revised accident book page,
- The member keeps a copy of their accident book entry.
- The rep keeps their copy safe ready to use if there is a subsequent claim by the member.

The injured person is entitled to a copy of their record at any time. Safety reps should encourage members to tell them when they have been injured. In addition there should be an agreement with management that the safety rep is informed when there is an accident and is given a chance to investigate and to talk to the member involved. Unite strongly recommends that the person who has suffered the injury checks the details recorded in the accident book (particularly if these have been entered by a third party) to make sure they are a true record of what happened. This would apply whatever recording system is used, whether it is a paper or electronic system.

More information:

RIDDOR - HSE www.hse.gov.uk/riddor

Investigating accidents – HSE <http://www.hse.gov.uk/managing/delivering/check/investigating-accidents-incidents.htm>