

Health & Safety, Edinburgh Napier University

Accident, Incident and Dangerous Occurrence Policy

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<i>Approval/Authorised Signature</i>	Sean Hughes BSc PGDip MCIOSH CMIOSH, Health & Safety Adviser
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¹ or earlier if change in legislation or on risk assessment

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Contents

1.	Accident investigation	3
2.	Accident prevention	4
3.	Accident procedures.....	5
4.	Accident and dangerous occurrence reporting.....	5

1. Accident investigation

All accidents, near misses and dangerous occurrences require to be reported to the Health & Safety Team on the university accident form. No matter how insignificant you think the incident/near miss/injury was, it requires be reported.

Definition(s):

- **accident:** an event that results in injury or ill health
- **incident:**
 - **near miss:** an event not causing harm, but has the potential to cause injury or ill health (in this guidance, the term near miss will include dangerous occurrences)
 - **undesired circumstance:** a set of conditions or circumstances that have the potential to cause injury or ill health, e.g. untrained individual using dangerous machinery
- **dangerous occurrence:** one of a number of specific, reportable adverse events, as defined in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)

Where a serious accident or dangerous incident has occurred, whether or not person(s) were injured, all activities related to the incident should be suspended until an investigation has been undertaken and all equipment, plant or processes involved in the incident have been declared safe.

The responsibility for initiating investigations of accidents lies with the Health & Safety Team but these are carried out in conjunction with representatives of the injured person(s) School or Service and the injured person(s), if available. The right of Trade Union Representatives to investigate accidents is recognised and the university encourages their participation.

The purpose of the investigation is not in any way to allocate blame, but to identify the basic cause of the accident and to recommend measures to prevent a recurrence.

Written statements will be taken from the injured person and any witnesses. If the injured person is off work they may be contacted at home and an over the phone statement taken.

Copies of paperwork will be requested by the Health & Safety Team and photographs/video may be taken of the area where the accident has taken place, e.g. the following documents could be requested - risk assessment, safe systems of work, training records, maintenance records, manufacturer's instructions and any other relevant document.

Where it is found to be caused by a dangerous action or piece of equipment a Health and Safety Notice will be placed on that activity or equipment. This will mean that this action is suspended, cannot be carried out or equipment used until the necessary control measures are put in place to ensure that it is safe to carry out.

On completion of the investigation the Health & Safety Team will forward any recommendations to the appropriate Dean of School or Director of Service for action. It is the responsibility of the Dean of School or Director of Service to implement measures to avoid a recurrence.

Since serious accidents and dangerous occurrences are notified to the Health and Safety Executive (HSE), they have a statutory right to investigate the scene of an accident, remove items for examination and take statements from witnesses, etc. All staff therefore must co-operate fully with these enforcing agencies.

Notification to the Health and Safety Executive (HSE) will be carried out by the Health & Safety Team in line with regulatory requirements (RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations).

2. Accident prevention

The main purpose of the university health and safety procedures and indeed in all health and safety legislation is to prevent accidents and these procedures should not be seen as an end in themselves.

Time and resources devoted to accident prevention are invariably well spent compared to the time and resources wasted after an accident has occurred, not to mention the traumatic effects of a serious accident on the persons involved. In addition staff should be aware that all serious accidents including those accidents which result in an over seven day absence from work are immediately reportable to the Health and Safety Executive (HSE). Depending on the nature of the injuries received, the circumstances and other factors, the HSE may decide to undertake their own investigation. The conclusions of such investigations often lead to prosecutions and staff are reminded that there is provision in the Health and Safety at Work Act (HSWA) 1974 for employees to be prosecuted as well as employers. Individual employees, including staff employed in educational institutions, have already been prosecuted in the UK under this legislation. The fee for intervention may also apply and it will be the relevant school or service who will be required to fund this.

The Corporate Homicide Act Scotland came into force on 6 April 2008, *“where if an organisation was found guilty of the new offence in the way in which its activities are managed or organised causes a death and amounts to a gross breach of a relevant duty of care to the deceased. A substantial part of the breach must have been in the way activities were managed by senior management. ‘Senior Management’ is not defined and the structure of any organisation will need to be considered on a case by case basis to determine if the failure has occurred at a sufficient senior level. Criminal liability lies with the organisation, not the senior managers whose failings may have caused the commission of the offence”*. Although the Act does not create a new offence for individual directors who contribute to deaths, they can be charged with culpable homicide or with other offences under the Health and Safety at Work Act.

“The new offence applies where the organisation concerned owed a duty of care in the law of negligence to the victim. This may include duties of care owed to employees, as an occupier of premises, in connection with supply of goods and services, construction and maintenance and commercial services, and the use of plant, vehicles etc., as set out in section 2 of the Act”.

An organisation guilty of the offence will be liable to an unlimited fine.

Whilst accident reporting and investigation are a necessary requirement and can result in action to minimise the recurrence of similar accidents it is by necessity a reactive approach. A more pro-active approach involves assessing the risks associated with the activities of schools and services and introducing where indicated for example safe systems of work to reduce the risks.

Accident prevention should therefore be an integral part of the efficient operation of any school or service and should rank as having equal importance with any other academic or management activity.

3. Accident procedures

In the event of any illness or injury, contact the university first aiders via the Security Control Room (tel: 0131 455 4444, extension 4444). The Controller will then locate the nearest available First Aider. First aiders can also be contacted if you go to the campus iPoint. A list of all first aiders is also kept on the [staff intranet](#):

When contacting the Security Control Room please provide the following information:-

- Location of the injured or ill person (Campus, School or Service details and Room Number).
- Details of the injury or illness (e.g. faint, chest pain, broken bone).
- Extension number from which the call is being made and name of caller. Person making the request must remain with the patient or make arrangements for someone else to do so until assistance arrives.

Notices are displayed throughout the university advising staff of this procedure.

4. Accident and dangerous occurrence reporting

The university has a statutory obligation to report fatalities, serious injuries, dangerous occurrences and all accidents/incidents resulting in a person being incapacitated for work for more than 7 consecutive days by the quickest practicable means to the Health and Safety Executive (HSE). It is essential therefore that the university Health & Safety Team is informed with the minimum of delay of such incidents to enable an investigation to be initiated and to ensure the university complies with the reporting requirements within the timescale. The verbal report should be followed within 48 hours by a completed Accident Report to the Health & Safety Team.

The Health & Safety Team is responsible for reporting notifiable injuries, dangerous occurrences and ill health to the HSE and other enforcing agencies where appropriate.

Anyone approaching someone who has been injured must assess the scene and ensure that it is safe to proceed to help. If the area is deemed as dangerous and could cause injury to others entering the area, then you must keep people out and call Security Control who will contact the relevant emergency services and/or Property & Facilities who deal with all service supplies.

In addition to the statutory requirements the university requires all accidents/incidents and injuries no matter how minor and “near misses” to be reported, to assist in the promotion of accident prevention. All accidents therefore, to staff, students, contractors and visitors, whether they occur within the university premises or on external location, e.g. fieldwork, must be reported on the university accident form to the Health & Safety Team again with the minimum of delay. Supplies of the form are held by each Dean of School or Director of Service, Control Room, campus iPoint or the Health & Safety Office.

Instructions on completing the forms and their distribution are provided with the forms.

It is essential that the disturbance of the scene of such accidents/incidents is kept to the minimum and should be consistent with the necessity to remove any continuing risk to other personnel or further damage to plant or building.

Records and registers of notifiable accidents, diseases and dangerous occurrences will be retained for 5 years by the Health & Safety Team.

A copy of the accident form is forwarded to Human Resources and Development by the Health & Safety Team to be kept in the staff member's personnel file in order to substantiate absence/sick leave where appropriate and any future disability claim.

Completion of the accident form

The forms require to be sent to the following people under the following conditions.

Staff/ Student

- White copy to be sent to the Dean of School / Director of Service
- All other copies sent to the Health & Safety Office, Room 5.B.14 Sighthill Campus

Dangerous Occurrence / Visitor/ Contractor

- All copies are to be sent to the Health & Safety Office, Room 5.B.14, Sighthill Campus

When completing the forms ensure that you can complete the form with as much detail as possible so that the injured person can be contacted. Full details of witnesses must also be provided so that they can be contacted.