



HM Prison & Probation Service

HEALTH AND SAFETY ARRANGEMENT FOR THE MANAGEMENT OF ACCIDENT REPORTING, RECORDING AND INVESTIGATION		
This instruction applies to:-		Reference:-
National Probation Service		PI 13/2015
Re-Issue Date	Effective Date	Expiry Date
1 July 2021 (Revised)	1 July 2021	19 April 2023
Issued on the authority of	HMPPS Operational Policy Sub Board	
For action by	All staff responsible for the development and publication of policy and instructions <input type="checkbox"/> HMPPS HQ <input type="checkbox"/> Public Sector Prisons <input type="checkbox"/> Contracted Prisons* <input checked="" type="checkbox"/> National Probation Service (NPS) <input type="checkbox"/> Community Rehabilitation Companies (CRCs) <input type="checkbox"/> Other Providers of Probation and Community Services <input type="checkbox"/> Governors <input type="checkbox"/> Heads of Groups <input type="checkbox"/> HMPPS Rehabilitation Contract Services Team <i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i>	
Instruction type	HR function/legal compliance	
For information	All NPS staff	
Provide a summary of the policy aim and the reason for its development / revision	Employers are required to record, report and investigate accidents and incidents and ill health arising from their work to staff and others to whom they have a duty of care. This is a new procedure specifically for the NPS which sets out processes staff and managers should follow for reporting, recording and investigation of work place accident, injury and ill-health. 1 July 2021 – introduction of a new Sphera Cloud Portal Form	
Contact	Paul Hughes, North East Divisional Health, Safety and Fire Lead (NPS) 07542 945059 ; Health-Safety.national@justice.gov.uk	
Associated documents	PSI 06/2015 PI 03/2015 Policy, Organisation And Summary Arrangements For The Management Of Health And Safety; PI 01/2014 Reviewing And Reporting Deaths Of Offenders Under Probation Supervision In The Community; PI 32/2014 Approved Premises and PI 32/2014 Annex A Approved Premises Manual; PI 12/2015 Health and Safety Arrangement for the Management of Violence and Aggression in the Workplace PI 18/2015 Health and Safety Arrangement for Risk Assessment PI 11/2016 -Management of Fire Safety in Probation Premises	
Replaces the following documents which are hereby cancelled: None		
Audit/monitoring: Mandatory elements of instructions must be subject to management checks (and may be subject to self or peer audit by operational line management), as judged to be		

appropriate by the managers with responsibility for delivery. In addition, HMPPS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance.

Introduces amendments to the following documents:

April 2021 - Introduction of the new Sphera Cloud portal form.

Notes: *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.*

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1. **Executive summary**

Background

- 1.1 This instruction is one of a number of Probation Instructions (PIs) which forms part of HMPPS' (NPS) Health and Safety Management Arrangements as required by the Health and Safety at Work Act and subsidiary legislation. It is a legal requirement for these arrangements to be brought to the attention of all employees.
- 1.2 Work-related injuries and ill health have a direct adverse impact on the lives of those injured. They also have a detrimental effect on NPS' organisational performance and sickness absence levels. Together with the costs of personal injury claims, brought by staff and offenders, the costs that result from workplace accidents are potentially significant.
- 1.3 An effective accident/incident reporting, recording and investigation process can significantly contribute to a successful health & safety management system and can reduce the likelihood and impact of such events.
- 1.4 This arrangement outlines the key duties to be undertaken by staff and managers reporting and recording work place accident, injury and ill-health to employees and third parties.
- 1.5 It also clarifies expectations around levels of investigation, the quality of internal reports and the statutory criteria for reporting events externally commensurate with the severity (potential or actual) of the incident.

Desired outcomes

- 1.6 Accidents/incidents are promptly and accurately recorded and reported by those responsible for doing so.
- 1.7 Initial reports are made as quickly as practicable following an incident by injured parties or their representatives to the appropriate manager.
- 1.8 Records and reports, both external and internal are thorough, proportionate and relevant to the incident.
- 1.9 Investigations are proportionate to the significance and potential severity of the incident and its likelihood of recurrence in line with defined criteria in Annex [D](#).
- 1.10 Criteria for determining whether an incident is statutorily reportable are rigorously applied and all such statutory reports are scrutinised at Regional level and investigated appropriately (see Annex [B](#) & Annex [D](#)).
- 1.11 Accident/incident management information is reported quarterly and meaningfully to inform management decisions.

Application

- 1.12 This Instruction applies to all NPS staff and to all agency, partnership or other staff working on behalf of NPS and any reference to staff in this policy should be taken to include all these persons.
- 1.13 This instruction applies to any work-related accident, incident, work-related ill-health or near miss (see [Annex A](#) for a full list and definitions).

- 1.14 *All staff must read and follow the mandatory actions and the operational instructions for reporting and recording accident, incidents, near misses and reporting of serious accidents/incidents.*
- 1.15 *All Managers must read and follow the mandatory actions relevant to their role and implement the operational instructions for responding to initial reports and subsequent investigations.*
- 1.16 *HMPPS Divisional Leads: Health, Safety and Fire (DL-HSF) must read and follow the mandatory actions and the relevant parts of the operational instructions for statutory reporting, processing of forms, managerial investigation and Sphera data management.*

Mandatory Actions

All Staff

- 1.17 *All staff (including agency and partnership staff) must report ALL accidents, incidents, work-related ill-health and near misses to their line manager in accordance with the procedures and timescales specified in the operational instructions using the online Sphera Portal form or Fire incident form.*
- 1.18 *All staff must verbally report serious accidents/incidents in accordance with the procedures and timescales specified in the operational instructions.*
- 1.19 *All staff must co-operate with relevant accident/incident investigations and in the implementation of risk control measures.*

Line Managers or Managers in Charge of Injured Parties

- 1.20 *Line Managers must ensure that all staff (including agency and partnership staff) are aware of the procedures and timescales for reporting accident, incident, work-related ill-health and near misses set out in this policy.*
- 1.21 *Line Managers must ensure that they take the appropriate action on receipt of verbal notification of a serious accident, incident, work-related ill-health and near misses and on receipt of Sphera notification email in accordance with the procedures and timescales specified in the operational instructions.*
- 1.22 *Line Managers must ensure that for all reported accidents/incidents, they undertake the appropriate level of investigation and evidence collation (dependent on the severity or potential severity of the accident/incident), in accordance with the procedures and timescales specified in the operational instructions.*

Head of Area/Function

- 1.23 *These Managers must monitor the implementation of this arrangement in areas under their control to ensure that all reports and investigations are made within relevant time limits specified in the operational instructions and to a satisfactory quality and reliability.*
- 1.24 *For more complex investigations, particularly where enforcing authorities are involved, these managers will co-ordinate and expedite investigations ensuring that the relevant lines of inquiry are followed up and implemented actively supported by the relevant HMPPS Divisional Lead Health, Safety and Fire.*

Business Manager

- 1.25 *The Business Manager will receive a Sphera notification email once a Sphera Portal form is submitted to the H&S functional mailbox. The Business Manager should monitor the incident progress on the system and provide support to the line manager completing the*

investigation. This may include collecting relevant paperwork, speaking to witnesses or uploading relevant documents. *If the allocated Line Manager is absent from work, the Business Manager must inform the Divisional Hub and/or Divisional HSF Team with the name of the covering manager.*

The Regional Hub Admin Manager

- 1.26 *The Regional Hub Managers must ensure the Regional H&S mailbox is checked daily and any new notification emails must allocated for investigation to the appropriate manager in accordance with the procedures and timescales specified in the operational instructions.*

HMPPS Divisional Leads Health, Safety and Fire (DL-HSF)

- 1.27 *The DL-HSF must ensure that all statutory reports required under Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013 (RIDDOR) are made in accordance with the procedures and timescales specified in the operational instruction ([Annex B](#)).*
- 1.28 *They must provide assurance to the relevant Regional Probation Director that an effective and accurate reporting, recording and investigation system is operating in the Region in line with this PI.*
- 1.29 *They will provide direct support as required in more complex investigations.*
- 1.30 *They must provide professional support to the Business Administrator Specialist: Health, Safety and Fire (BAS:HSF) in the operation of the Sphera system and the production of accident/incident statistic reports.*

HMPPS Cluster Leads Health, Safety and Fire (CL-HSF) HMP

- 1.31 *The CL-HSF must ensure that if NPS staff based in establishments are involved in an accident or incident it must be reported via the HMP process.*
- 1.32 *The CL-HSF must provide direct support as required in more complex investigations within their Establishments. CL-HSF will provide quarterly reports to the Establishment H&S committees.*

Resource Impact

- 1.33 *The reporting, recording and investigation of accidents and incidents is already part of the business arrangements for managing health and safety. This policy serves to standardise accident/incident management process across NPS and to clarify who is responsible for carrying out different aspects of this area of work and therefore should not have any significant impact on resources.*



Kevin Reilly
Deputy Director of Prison, HMPPS

2. Operational instructions

These operating instructions detail the process for accident/incident reporting, investigation and data processing/management.

It is important to note that while all accidents/incidents are reported on a Sphera Portal form, more serious accidents/incidents also need to be promptly reported verbally to ensure that necessary external reports can be made to the Health and Safety Executive in accordance with statutory timescales.

Reporting and recording accidents, incidents and near misses

- 2.1 *On the occurrence of an accident, incident or near miss the staff member(s) affected/involved must complete the Sphera Portal form reported the same day of the incident or a maximum of 24hr post incident. The form is accessible via EQuIP or scanning a QR code.*
- 2.2 *For accidents/incidents involving offenders, visitors or others who do not have access to the Sphera Portal form; the supervising staff member must complete this on their behalf.*
- 2.3 *In the event that the affected/involved staff member is unable to complete a form, their line manager or colleague must complete the Sphera Portal form on their behalf.*
- 2.5 *In the event that a staff member suffers work-related ill-health, they must contact their line manager as soon as the ill-health becomes apparent and the line manager must ensure the details are recorded on the Sphera Portal form.*
- 2.6 *In the event of a sickness absence that maybe related to workplace injury or ill-health, the affected staff member must notify their line manager as soon as possible and the line manager must ensure that the incident or circumstances giving rise to the absence are recorded on the Sphera Portal form together with the apparent cause of the absence.*

Reporting of serious accidents, incidents, Ill health and near miss.

- 2.7 The following are defined as serious accidents or incidents requiring prompt verbal reporting:
 - Death of any person due to work related causes
 - Specified injuries (as defined by RIDDOR - see Annex [B](#))
 - Accidents resulting in a staff member having time off work - see Annex [D](#)
 - Accident involving any person being taken to hospital
 - Threats with an offensive weapon including hazardous substances
 - Specific and credible threats with intent to kill
 - Discovery of explosives, firearms, ammunition or suspect packages
 - Dangerous occurrence (as defined by RIDDOR - see Annex [B](#))
 - Notification by a medical practitioner of an occupational disease (as defined by RIDDOR - see Annex [B](#))
- 2.8 *In the event of a serious accident or incident, once the appropriate actions to deal with the incident have been taken including as necessary summoning of the emergency services, the affected, involved or supervising staff member must verbally report the accident/incident without delay to their line manager/supervisor (or in their absence the senior person on site or the line manager's manager).*
- 2.9 *On receipt of verbal notification of a serious accident/incident the Line Manager/supervisor (or senior person on site) must ensure that the necessary first aid and/or remedial actions have been taken including summoning of the emergency services as necessary and then*

report without delay the serious accident/incident by phone to the HMPPS HSF Divisional Lead (or if unavailable their nominated alternative contact).

- 2.10 *The HMPPS HSF Divisional Lead must assess the circumstances of the reported serious accident/incident and as necessary make the relevant external report to the HSE as appropriate.*
- 2.11 *Outside normal office hours, the staff member must verbally report the accident/incident without delay to the duty manager who will make the relevant external report to the Police where appropriate but HMPPS HSF Team will still report all RIDDOR reportable incidents. (see Annex [C](#) - Guidance for out of hours managers).*
- 2.12 *The affected, involved or supervising member of staff must then complete the Sphera Portal form.*
- 2.13 *In the event that the affected, involved or supervising staff member is unable to complete the form, the line manager or colleague must complete the form on their behalf.*

Processing of completed report forms

- 2.14 *Following a submission of a Sphera Portal form, the Regional H&S functional mailbox and relevant Business Manager will receive a Sphera notification email.*
- 2.15 *On receipt of a Sphera notification email, the regional Hubs must classify the incident and allocate the investigation to the relevant manager within 1 working day.*
- 2.16 *The relevant manager will receive a Sphera investigation notification email. On receipt of the email, the manager must log onto the Sphera system and complete the investigation detailing all actions taken following the incident and upload all relevant documentation. The investigation must be completed with 10 working days.*
- 2.17 *The aim of the investigation section of the Sphera system is to verify the recorded details, log the immediate remedial action taken and ensure any evidence that may be lost with the passage of time is noted and retained/recorded where possible.*
- 2.18 *It also enables the recording of the initial investigations undertaken by the line manager. For many low and medium level incidents (see annex [D](#)), the initial investigation will be all that is needed and can be completed within the required 10 working days. However where a more detailed investigation is required, the manager must inform the DL-HSF the delay of the investigation and also update the system with the further detail when available.*
- 2.19 *Where a manager receives an Sphera investigation notification email with a substantial gap from the date of the incident, the manager must still follow the investigation process, noting any issues relevant to the late submission on the managerial section of the form.*
- 2.20 *The Divisional BAS:HSF must review the new Sphera entry, determine whether further information/investigation is required and as necessary allocate it to the relevant manager within 5 working days of investigation submission/completion onto Sphera.*
- 2.21 *Sphera will then be used to coordinate and record any further investigation details, assign further follow up and actions to managers and retain any additional reports, record etc relevant to the accident/incident.*

Managerial investigation

- 2.22 *Line managers must undertake an appropriate investigation for ALL reported accidents, incidents, and near misses. The line manager must take steps to investigate the incident and gather and record as much relevant information as is appropriate. All documentation including, photos, safe working practice document, risk assessments and witness statements must be uploaded to the system. All investigation must also detail the actions taken to support the affected person(s) post incident. This may include operational support, Occupational Health or an individual stress risk assessment.*
- 2.23 *Where further investigation is needed, the manager will receive a Sphera notification action email detailing the further information required.*
- 2.24 *The depth of the investigation must be proportionate to the actual or potential severity of the event. Managers must not be expected to waste time investigating or gathering excessive information around trivial or insignificant incidents. For example, a trip on a well-lit and maintained path does not demand the same level of investigation as a trip on an unfenced roof-edge, irrespective of the injury arising. An accident/incident investigation matrix indicating the levels and types of investigation is available in Annex [D](#).*
- 2.25 The following factors should be taken into consideration when deciding on the extent of the investigation to be conducted:
- The actual or potential type and severity of injury/damage
 - Whether the accident/incident is as a result of a new process which may have caused implications in other areas
 - The extent to which material affected the accident/incident e.g. machinery, work equipment, hazardous substances and causing damage or loss
 - The possibility of a breach of the law or NPS policy/procedures
 - Whether the injury or occurrence is notifiable/reportable to the HSE
 - There appears to be a trend of similar low severity accident/incidents
- 2.26 *Investigations are normally to be led by the line manager (or manager in charge of the work area/work activity), although for the most serious accident/incidents the investigation must be led by a Senior Manager.*
- 2.27 *Managers must ensure that remedial measures identified as necessary following an investigation are effectively actioned including reviewing and updating offender risk management plans for incidents of offender violence.*
- 2.28 Subject to the severity of the accident/incident or complexity of the investigation, competent advice and support can be sought from the DL-HSF/BAS:HSF.
- 2.29 The HSE and/or Police may carry out their own investigation into RIDDOR reportable accident/incidents and work-related deaths etc. Internal investigations can carry on at the same time as these external investigations with agreement of the Senior Investigating Officer. Managers and DL-HSF should be familiar with the workplace deaths protocol in which police and HSE reach agreement as to the lead on investigations.
- 2.30 Local Trade Unions should be informed of accidents/incidents and share findings from investigations. *Trade Union representatives have the right to conduct their own investigation but must inform management prior. Good practice could be to seek to undertake a joint investigation with TUs and management.*

Sphera data management and reports

- 2.31 Sphera will be the main source for NPS accident/incident performance analysis and as such it is important the data is accurate and updated as necessary.
- 2.32 *The BAS:HSF must actively monitor Sphera on a regular basis checking the quality and range of information submitted and as necessary correcting or obtaining any missing information.*
- 2.33 *The BAS:HSF must actively monitor the progress of accident/incident investigations, ensuring completion within reasonable time scales.*
- 2.34 *Where, following investigation, it becomes apparent an injury or ill health was not related to the workplace or a work activity (e.g. medical incidents, self-harming etc), the BAS:HSF will reassign it as 'not related to work/a work activity' so that it does not appear in workplace accident/incident statistics/reporting.*
- 2.35 Records will still be available, however, within the Sphera, should NPS need to respond to a civil litigation claim in the future.
- 2.36 Only persons with appropriate access rights (e.g. BAS:HSF or DL-HSF) can see, and later change, the relevant part of the accident/ill health form. Managers will not be able to see this part of the accident/ill health form.
- 2.37 *The BAS:HSF will provide quarterly statistical analysis reports for Regional H&S Committee and H&S Groups and other ad hoc reports on request.*

Reporting and recording fire incidents

- 2.38 *On the occurrence of a fire incident (including false alarms) the staff member(s) affected/involved must complete the on line NPS Fire incident form (available on EQuIP) and email it to their line manager/supervisor by the end of the next working day;*
- 2.39 *The aim of the managerial section of the form is to verify the recorded details, log the immediate remedial action taken and ensure any evidence that may be lost with the passage of time is noted and retained/recorded where possible.*
- 2.40 *Managers must inform DL-HSF of all fires.*
- 2.41 *The Regional Hub Managers must ensure the Regional H&S mail box is checked daily and any newly submitted forms are entered onto Sphera within 5 working days of receipt.*
- 2.42 *The Divisional BAS:HSF must review the new Sphera entry, determine whether further information/investigation is required and as necessary allocate it to the relevant Business Manager within 5 working days of entry onto Sphera.*
- 2.43 *Sphera will then be used to coordinate and record any further investigation details, assign further follow up and actions to managers and retain any additional reports, record etc relevant to the fire incident.*

3. Policy and strategic context

- 3.1 This Instruction is one of a number of Probation Instructions (PIs) which forms part of NPS Health and Safety Management Arrangements to ensure compliance with the Health and Safety at Work Act and subsidiary legislation.
- 3.2 Specifically, this PI aims to clarify roles in respect of accident/incident reporting, recording and investigation and achieve a higher quality of accident MI and litigation case data. It is also intended to ensure that only relevant statutorily reportable incidents are reported as such.
- 3.3 The use of the Sphera portal form removes the need for additional recording of accidents in the traditional 'Yellow Accident Book' (BI510) and therefore NPS sites do not need to have such books available on site.
- 3.4 It is a legal requirement for these arrangements to be brought to the attention of all employees.

4. **Guidance**

Detailed guidance is provided in the Annexes as follows:

- [Annex A](#) – Definitions of accidents, incidents and near misses
- Annex [B](#) – Guidance on the external reporting of accidents and incidents
- Annex [C](#) – Guidance for the out of hours reporting of serious accidents and incidents
- Annex [D](#) – Investigatory level matrix
- Annex [E](#) – Accident/incident investigation guidance

Definitions of accidents, incidents and near misses

The following events are classified as accidents/incidents and accordingly should be recorded and reported in accordance with this policy:

- Death arising from work related causes¹
- All injuries to persons from any work-related cause
- Work related ill health, work related upper limb disorders and occupational diseases (as defined by RIDDOR - see [B](#)).
- Physical assault on NPS staff (including agency and partnership working on behalf of NPS) by an offender, visitor or member of the public
- Abuse, threats or intimidation of NPS staff (including agency and partnership working on behalf of NPS) by an offender, visitor or member of the public, irrespective of whether injury has occurred, including:
 - verbal abuse, threats or aggression,
 - sexual, racial, homophobic, religious insults or abuse,
 - any incident where the non-employee's attitude, whilst not overtly aggressive, causes staff to feel intimidated or uncomfortable
- Any hostage situation
- Discovery of explosives, firearms, ammunition or other offensive weapons including hazardous substances
- Dangerous Occurrences (as defined by RIDDOR - see Annex [B](#))
- Any outbreak of fire and any fire related incident whether attended by the Emergency Services or not, e.g. fire alarm activations (including false alarms), failures of fire protections systems etc (fire incidents are reported on a fire recorded form not the Sphera portal form)
- Failures of Personal Assistance Alarm system
- Exposure to blood, body fluid or contagious diseases
- Bomb threats
- Malicious damage to Ministry of Justice (MoJ) property with H&S implications
- Infestation (e.g. of cockroaches, rats, fleas, lice, wasp, hornet bee etc)
- Road traffic accident or incidents when travelling on HMPPS business, but not when travelling to or from work
- Self harm by service users when on HMPPS/MoJ premises or under the direction supervision of the NPS
- Medical incidents including incidents resulting in the use of naloxone
- Any other near miss, unsafe condition or potential risk where harm could occur

N.B. this is not an exhaustive list and it is the policy of the NPS to encourage reporting of any accident/incidents including near misses that do not meet these definitions.

¹ Deaths of offenders under NPS supervision that are not work related (e.g. suicides, drugs overdose, medical conditions) are covered by separate reporting arrangements (see [PI 01/2014](#) and [PI 32/2014](#)) and do not required to be reported under this arrangement.

Guidance on the external reporting of accidents and incidents

Health and Safety Executive (HSE) – Reported by the HMPPS HSF Team

In accordance with the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013 certain accident/incidents must be reported to the HSE.

The following are definitions of accident/incidents that require reporting to the Health and Safety Executive in accordance with RIDDOR.

Deaths

All deaths of workers and non-workers if they arise from a work-related accident/incident, including an act of physical violence to a worker but are NOT due to suicides, drugs overdoses or medical conditions.

Lost Time Accidents/Incidents

Accidents/incidents which result in an employee being away from work, or unable to perform their normal work duties (i.e. on light 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/incident, but does include weekends and rest days.

Specified Injuries

Accident/incidents resulting in the following injuries:

- 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
 - 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
 - requires resuscitation or admittance to hospital for more than 24 hours

Non-fatal accidents/incidents to non-workers (e.g. members of the public)

Accidents/incidents to members of the public or others (including offenders) who are not at work 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.

Exemptions

The following are exempt from RIDDOR reporting requirements:

- Accidents involving a moving vehicle on a public road (ie when travelling on NPS business)
- Where a non employee was taken to hospital:
 - Due to a medical incident (e.g. fit, fainting, chest pains etc) even if the medical incident lead to an injury (e.g. a person bangs their head when fainting)
 - For an examination or diagnostic test, as these do not constitute 'treatment' in such circumstances

- Purely as a precaution
- When no injury is apparent

Dangerous Occurrences

The following is a selected list of incidents that are defined as “dangerous occurrences” by RIDDOR and could feasibly occur within NPS premises or work activities. The full listing of RIDDOR “dangerous occurrences” is available from the HSE website (www.HSE.gov.uk). 2013.

- the collapse, overturning or failure of any load-bearing part of any lifting equipment, other than an accessory for lifting.
- failure of any closed vessel or of any associated pipe work (other than a pipeline) forming part of a pressure system as defined by regulation 2(1) of the Pressure Systems Safety Regulations 2000(1), where that failure could cause the death of any person
- any explosion or fire caused by an electrical short circuit or overload (including those resulting from accidental damage to the electrical plant) which either:
 - a) results in the stoppage of the plant involved for more than 24 hours; or
 - b) causes a significant risk of death.
- the complete or partial collapse (including falling, buckling or overturning) of:
 - a) a substantial part of any scaffold more than 5 metres in height;
 - b) any supporting part of any slung or suspended scaffold which causes a working platform to fall (whether or not in use); or
 - c) any part of any scaffold in circumstances such that there would be a significant risk of drowning to a person falling from the scaffold.
- the unintentional collapse or partial collapse of:
 - a) any structure, which involves a fall of more than 5 tonnes of material; or
 - b) 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.
 - c) the unintentional collapse or partial collapse of any falsework.
- any unintentional explosion or fire in any plant or premises which results in the stoppage of that plant, or the suspension of normal work in those premises, for more than 24 hours

Occupational diseases

Diagnoses of certain occupational diseases where they are likely to have been caused or made worse by work and 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.
- In addition, cases of cancer (where there is an established causal link between the type of cancer diagnosed and the hazards to which the person has been exposed through work) and any acute illness needing medical treatment where it is attributable to a work-related exposure to a biological agent.

Reporting

Reports should normally be made on line via the appropriate on line reporting form available on <http://www.hse.gov.uk/riddor/report.htm>.

A telephone service is provided (via the Incident Contact Centre on 0845 300 9923), but this is only available during office hours (Monday to Friday 8.30 am to 5 pm), only for reporting fatal and specified injuries (as defined earlier in this annex) and still requires follow up reporting using the on line form as above.

The HMPPS Divisional Lead, Health, Safety and Fire is responsible for reviewing potentially reportable incidents and where necessary making the appropriate report to the HSE.

Exception to this is for serious accidents/incidents that occur outside of normal office hours, which may need to be reported by the On Call Manager (see [Annex C](#))

Police

All deaths if they arise from a work-related accident/incident, including an act of physical violence and serious accidents/incidents involving road traffic accidents may require reporting to the police.

Reports to the police should normally be made by the appropriate local manager by phone to the local police and followed up in email or writing as instructed.

Certain incidents may require reporting to the police for immediate support or further investigation/action. The line manager should assess each case and report as required.

- Physical assault
- Specific and credible threats with intent to kill
- Threats involving an offensive weapon
- Discovery of explosives (including in suspect packages), firearms or ammunition
- Discovery of any other offensive weapons
- Bomb/terrorist threats
- Incidents with a requirement for urgent police intervention or a return to custody

NB Deaths to offenders under NPS supervision that are not work related (e.g. suicides, drugs overdose, medical conditions) are covered by separate external reporting arrangements (see [PI 01/2104](#) and [PI 32/2014](#)) and do not required to be reported under this arrangement.

ANNEX C

Guidance for the out of hours reporting of serious accidents and incidents

Out of hours the On Call Manager may receive notification of a serious accident or incident.

The serious accidents/incidents below may require rapid reporting to external authorities (HSE, Police, HMPPS):

- Death of any person occurring as a result of NPS activities, premises or work, including violent assaults and road traffic accidents;
- Discovery of explosives (including in suspect packages), firearms or ammunition.

On receiving notification of any of the above the On Call Manager will ensure that the necessary immediate local actions have been taken including summoning of the emergency services as necessary and provide support to the person(s) on site until a manager arrives to take charge.

The On Call Manager will then report the accident/incident to the relevant authorities as below:

Nature of Accident/Incident	External authority	Contact details
Death of any person from a work related reason	HSE	HSE - On line (www.HSE.gov.uk/riddor.htm) or via the duty officer (0151 922 9235).
	Police	
Discovery of explosives, firearms or ammunition.	HMPPS	Police - Dependant on location of accident/incident. HMPPS - Home Office Switchboard: 0870 000 1585: 'for the attention of the Home Office Duty Officer'

The On Call Manager will then notify the On Call Duty Senior Manager.

The On Call Duty Senior Manager will review the accident/incident and actions taken with the On Call Manager and advise of any further actions as necessary.

The On Call Duty Senior Manager will then inform the Regional Probation Director and as necessary the Director of Probation Services and HMPPS Senior H&S Adviser (NPS).

On receiving notification of any other serious accidents/incidents, the On Call Manager will confirm with the persons on site that the necessary first aid and/or remedial actions have been taken, the location/equipment has been preserved and quarantined and provide any further advice required.

The On Call Manager will then send an email to the relevant Head of Area confirming the nature of the accident/incident, action taken and advice given.

NB Deaths to offenders under NPS supervision that are not work related (e.g. suicides, drugs overdose, medical conditions) are covered by separate reporting arrangements (see PI [01/2014](#) and PI [32/2014](#)) and do not required to be reported under this arrangement.

Investigatory Response Levels Matrix

Severity	Investigation Level and Time Limit	Carried out by	Report to
<u>Low severity</u> Ranging from no injury to injuries resulting in minor first aid treatment and possibly some ongoing self-treatment but not requiring any professional medical treatment of the victim. (NB. A precautionary check-up by a nurse or doctor is not treatment for these purposes, even if at a hospital).	<u>Low Level</u> Record details of significant finding and remedial action in managerial section of NPS accident/incident report form Complete within 3 days of notification	Line management and injured party BAS:HSF to check completeness and quality of record (via Sphera) and assess need for additional information if required.	No individual reports needed submission of NPS accident form is sufficient. Include in quarterly Cluster summary of levels and patterns to Head of Cluster & Cluster H&S group. Comparative look at overall patterns across Division at HSF Committee and SMT
<u>Medium severity</u> A broad category between low and high, probably requiring professional medical treatment of the victim (excluding a precautionary check up) and probably with short to medium term incapacity from which they will fully recover	<u>Medium Level</u> Complete relevant Sphera investigation record. Additional supporting documentation e.g. Photographs, sketches, witness statements etc to be attached as related document to Sphera entry. HSE may also choose to investigate Complete within 7 days of notification	Line managers with support from DL-HSF/BAS:HSF as relevant. Oversight from Line Manager's Manager	Line Manager's Manager Investigation/remedial action summary reports to Head of Area & Local H&S group in quarterly reports. Discuss report at local H&S Committee and SLT
<u>High severity</u> Fatality* or major injury (or multiple injuries) probably requiring urgent or intensive medical treatment of the victim(s), possibly ongoing and likely debilitation or loss of physical or mental capacity. * Investigations of offender's deaths whilst under NPS supervision will be undertaken in accordance with PI 01/2014 & 32/2014 .	<u>High Level</u> Fully documented investigation undertaken by investigatory team HSE may also choose to investigate Internal Report completion time 28 days subject to SIO, Coroner, HSE lead.	Regional team appointed by Regional Probation Director, to be lead by appropriate Senior Manager and to include Divisional Lead, HSF. Support and involvement from National HSF Policy Team	Regional Probation Director. Full report to Regional Probation Director, relevant Head of Area and Divisional Lead HSF. Discuss progress and final report at local H&S Committee and Senior Management Team meetings. Discuss final report at Regional SLT and National HSF Sub-Committee

Accident/Incident Investigations Guidance

The objective of any investigation should be to determine what events or possible shortfalls in training, management or procedures, if any, lead to the accident/incident. The objectives of investigation are to:

- Reduce accidents/incidents and staff ill health
- Ascertain immediate and underlying causes
- Review the adequacy of the policy and measures in place for discharging the policy
- Introduce measures to prevent reoccurrence
- Reassure the workforce that safety is taken seriously
- Satisfy legal reporting and investigation requirements
- Ensure risk assessments are suitable and sufficient or adequate.

All accidents/incidents and near misses should be investigated by the line manager responsible for the area, with appropriate support from specialists, including Divisional HSF Leads. "Area" includes communal areas i.e. internal and external roads/pathways, corridors, stairways etc. This is an integral part of the proper management of health and safety. Only when both the immediate cause and the underlying systems failure, if any, are identified and remedial action taken by local management can our accident/incident record improve.

The requirement to carry out an investigation is a line management responsibility. Divisional Business Administrator Specialist: HSF and/or Divisional HSF Leads may be called upon to provide advice and assistance in determining underlying causes. It is particularly important that professional advice from HQ HSF Team and Divisional HSF Lead be called upon as soon as possible after a fatality or an incident involving multiple major injuries.

Those managing or conducting investigations should consider appropriate levels of consultation and engagement with safety representatives as per legislation.

Interviews are to be conducted promptly before details fade or become confused and in a place where the injured person or witness feels comfortable. This, of course, depends on the condition of the injured person and witnesses. Always ensure that appropriate First Aid or medical treatment is rendered before trying to conduct the interview. The injured person should not be interviewed unless fit to do so

Levels of investigation

All accidents, incidents, dangerous occurrences and near misses should be investigated. The depth of the investigation will vary according to the outcome or potential outcome. An accident/incident investigation matrix indicating the levels and types of investigation is available in Annex [D](#).

The following factors should be taken into consideration when deciding on the extent of the investigation to be conducted:

- The actual and potential type and severity of injury/damage
- Whether the accident/incident is as a result of a new process which may have caused implications in other areas
- The extent to which material affected the accident/incident and caused damage or loss e.g. machinery, work equipment, hazardous substances
- The possibility of a breach of the law or NPS policy/procedures
- Whether the injury or occurrence is notifiable/reportable to the HSE
- There appears to be a trend of similar low severity incidents

Investigations are to be led by the line manager (or if relevant the manager in charge of the area where the accident/incident occurred or the manager in charge of the work activity). The process may require competent advice to be sought from other persons. These may include HR Business Partners, MoJ Estates Managers, Divisional HSF Leads, BAS: HSF, etc.

The HSE and/or Police may carry out their own investigation into RIDDOR reportable accidents/incidents and work related deaths etc. Internal investigations can carry on at the same time as these external investigations with agreement of the Senior Investigating Officer. Managers and DL-HSF should be familiar with the workplace deaths protocol in which police and HSE reach agreement as to the lead on investigations.

Conducting an investigation

Part of the investigation process is to identify the level of investigation required. There are three sources of information available to investigators. These are:

- Direct observation of the accident/incident scene;
- Interviews with the parties involved which provide an opportunity to check back on any issues arising from the examination of the physical and documentary evidence
- Documentary evidence, which enables the investigator to establish what should have happened through procedures, risk assessments, identified control measures, safe systems of work etc.

Direct Observation

The accident/incident site should be visited as soon as practicable to prevent any relevant evidence being removed or cleaned up. However, the safety of the investigator should also be considered and if there is any doubt whether the area is safe to enter then access to the site should be controlled until a competent person has assessed the site as safe to enter.

- Assess the risks of entering the area, determine whether any special precautions are required, e.g. Personal Protective Equipment
- When examining the site every effort should be made to preserve the evidence and to avoid possible contamination or destruction. Subsequent investigation authorities must be advised if the scene of the accident is not safe to preserve intact.
- Record physical details – these are to be recorded as seen and not as detailed in plans or other documentation. Look around and note anything of importance such as trip hazards, protrusions, accumulation of rubbish etc. Also take any photographs, measurements necessary and produce a simple sketch if considered appropriate

Interviews

Interviews are to be conducted promptly before details fade or become confused and in a place where the injured person or witness feels comfortable. This, of course, depends on the condition of the injured person and witnesses. Always ensure that appropriate First Aid or medical treatment is rendered before trying to conduct the interview. The injured person must not be interviewed unless fit to do so. If the injured person is fit to answer questions, adopt the following approach:

- Put the person being interviewed at ease, and conduct the interview in a calm and objective manner. Try to be sympathetic, honest and courteous
- Ask them to verify what happened in their own words and take notes – you should repeat back key points at the end of the interview to check the details are correct.
- Do not ask leading questions, interrupt or argue
- Check the answers against your own observations and the review of documentary evidence

Adopt a similar approach with witnesses. Distinguish between fact and opinion and remember that eyewitnesses are not always reliable. If there is more than one eyewitness interview them separately.

To assist in the compilation of the investigation report it may be prudent to obtain written statements from the injured person and eyewitnesses. These may be included as annexes to the report.

Some personnel may have concerns that the provision of a statement or attending interviews' may prejudice them with regard to discipline or future litigation against the NPS. Staff may have a friend, TU or Legal representative present during the interview, subject to the manager's agreement.

Documentary Evidence

Copies of any relevant documentation should be obtained and retained as part of the investigation. The types of documentation will vary dependant on the accident/incident cause, severity of the outcome and potential for litigation.

Listed below are the types of documents required in civil litigation cases

Documents required in ALL personal injury cases:

- Sphera accident/injury records
- Witness statements
- Staff reports completed at the time, e.g. memoranda or logs
- HSE RIDDOR form (F2508)
- Incident Reporting System report
- Photographs
- Sketch plan of the accident site
- Risk assessment records (pre and post accident)
- Safe Working practice document (pre and post-accident)
- All correspondence with claimant and their solicitors
- Reports/recommendations of health & safety professionals
- Minutes of H&S committee meetings where the matter has been considered
- PPE assessment

Additional documents required in slipping cases:

- Details of the cleaning rota in force at the time of the accident/incident
- Details of any changes to the cleaning rota following the accident/incident
- Memoranda showing whether the area was inspected. If so, how soon after the accident/incident and what were the results

Additional documents where plant/machinery involved:

- Maintenance/repair orders before and after the accident/incident
- Service history
- Details of any complaints made about the plant/machinery prior to the accident

Additional documents required in staff cases:

- Absence/sickness records
- Wage details 6 months prior to the accident including details of overtime pay and public holiday working
- Relevant extracts from the personnel file held in the Division/Cluster or SSC
- Training records for claimant

Additional documents required in service user cases:

- Individual Medical Records (subject to prisoners consent)
- Induction and training records
- Relevant documentation from Delius etc

Analysing the Evidence

Analysis of the evidence should determine:

- Any actions taken or not taken that contributed to the accident/incident
- The adequacy or absence of suitable control measures (review of risk assessments and safe systems of work or standard operating procedures)
- The immediate cause(s) of the accident/incident i.e. unsafe act or condition
- The underlying cause(s) of the accident/incident i.e. management control failings

Accident/incident Causation

Good investigations identify both immediate and underlying causes, including human factors. Immediate causes include the job being done and the people involved. Underlying causes are the management and organisation factors that explain why the event occurred. A structured approach to determining accident causation is given HSG 245 www.hse.gov.uk/pubns/books/hsg245.htm.

Investigation Findings & Report

Final analysis of the information should determine the actions required to prevent a recurrence, assign responsibilities, priorities and suggested time scales for the actions identified. The detail in the report will depend on the severity of the accident/incident.

Further Advice

Advice on the investigation of accidents/incidents can be obtained from the BAS: HSF or Divisional HSF Lead. Whilst accident/incident investigation is a line management responsibility, the assistance of the health and safety staff is to be expected on technical and legal matters and effective investigation processes.