



# National Offender Management Service

## Health and Safety Arrangements for the Management of Accident Reporting, Recording and Investigation

<b>This instruction applies to:-</b>		<b>Reference:-</b>
NOMS Headquarters Prisons		AI 05/2016 PSI 02/2016
<b>Issue Date</b>	<b>Effective Date</b>	<b>Expiry Date</b>
16 March 2016	16 June 2016	N/A
<b>Issued on the authority of</b>	NOMS Agency Board	
<b>For action by</b>	<p>All staff responsible for the development and publication of policy and instructions (<i>Double click in box, as appropriate</i>)</p> <p><input checked="" type="checkbox"/> NOMS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input type="checkbox"/> Contracted Prisons*</p> <p><input type="checkbox"/> National Probation Service (NPS)</p> <p><input checked="" type="checkbox"/> NOMS Immigration Removal Centres (IRCs)</p> <p><input type="checkbox"/> Community Rehabilitation Companies (CRCs)</p> <p><input type="checkbox"/> Other Providers of Probation and Community Services</p> <p><input checked="" type="checkbox"/> Governors</p> <p><input checked="" type="checkbox"/> Heads of Groups</p> <p><input type="checkbox"/> NOMS Rehabilitation Contract Services Team</p> <p><b>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</b></p>	
<b>Instruction type</b>	<b>HR function Legal compliance</b>	
<b>For information</b>	All staff	
<b>Provide a summary of the policy aim and the reason for its development / revision</b>	Employers are required to record, report and investigate accidents and injuries arising from their work to staff and others to whom they have a duty of care. Various changes to requirements and systems have occurred in recent years and this PSI updates previous policy and guidance.	
<b>Contact</b>	Jim Noonan, Senior HS Advisor, NOMS 07807 509865; jim.noonan@noms.gsi.gov.uk	
<b>Associated documents</b>	<a href="#">PSI 06/2015 AI 04/2015 – Policy, Organisation and Summary Arrangements for the Management of Health and Safety</a> <a href="#">PSI11/2012 Management and Security of the Incident Reporting System</a> HS Guidance Note 06/2010 Accident Reporting. <a href="#">PSI 02/2013 AI 01/2013 Managing Private Law Claims</a> <a href="#">PSO 1300 Investigations</a>	
<b>Replaces the following documents which are hereby cancelled :</b> PSI 11/2002		
<b>Audit/monitoring:</b>		

Compliance with this instruction will be monitored at three levels:

- a) Locally via quarterly regular report to establishment SMTs and health and safety committees via the NORCET HSF monitoring tool.
- b) Regionally via establishment assurance visits from regional HSF teams with summary reports to DDCs.
- c) Nationally via NORCET and National HSF Risk and Control Reports to NEMC's HSF Sub-committee and IAA 3 yearly G+O Audits.

**Introduces amendments to the following documents:**

*HS Guidance Note 06/2010 has been extensively updated in line with this PSI and will be maintained on both the Rivo library and HR Community Intranet.*

*In Sections 3.2 and 3.3 of PSI 11/2012-Incident Reporting System (IRS) –*

*Introduce the following lines respectively:*

*In 3.2 "A nominated person to ensure that incidents initially recorded on IRS which constitute reportable or recordable incidents under health and safety law and or NOMS' HS policy are notified promptly to relevant person nominated under this instruction) re accident and injury reporting."*

*In 3.3 "All Fire incidents, Assaults giving rise to injury on staff or non-prisoner 3<sup>rd</sup> parties, Deaths of non-prisoners on site, deaths of prisoners related to the safety of premises or equipment; or any other operationally related injuries entered onto IRS must be notified to the nominated relevant person under this instruction*

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

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**N.B.****Definitions:****Accident:**

**The generic terms “accident” and “accident reporting” are used in the text to refer to accidents with injury, near misses, property damage, work-related ill-health, assaults and their injuries, use of force injuries and all fire-related incidents. Where it is necessary to be more specific, the specific term is used.**

**In general terms an accident is an unplanned and undesirable event which either caused, or could have caused, injury, ill-health or property damage. This includes assaults.**

**A near miss is an unplanned and undesirable event which could have caused harm or damage but did not actually do so.**

**Rivo Safeguard® (“Rivo”) is NOMS’ National Health and Safety Management Software Application and is available via NOMS Quantum-connected ICT and includes NOMS accident, fire, use of force and litigation recording system.**

**Line Managers and Designated Managers**

**In many situations line managers have specific duties in respect of reporting and recording injuries to their staff or third parties as these occur. However, in the light of operational work patterns, the relevant “line manager” may not be present to undertake such duties in time. In these situations another appropriate responsible person, the “designated manager” must be identified to undertake the relevant response. Where appropriate the text refers to both roles.**

**1. Executive summary****Background**

- 1.1. This instruction is one of a number of Prison Service Instructions (PSIs) which forms part of NOMS' 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. This arrangement outlines the key duties to be undertaken by staff and managers reporting and recording work place accidents, injury and ill-health to employees and third parties and any associated litigation.
- 1.3. Legal requirements and internal systems for accident recording and reporting have changed and this PSI reflects those changes (See [Annex E](#) for more detail on Policy and Legal Context). It also clarifies expectations around:
  - levels of investigation commensurate with the severity (potential or actual) of the incident.
  - the quality of internal reports
  - the statutory criteria for reporting events externally
  - the sharing of data between IRS and Rivo
- 1.4. Work-related injuries and ill health, including those arising from violence, have a direct adverse impact on the lives of those injured. They also have a pronounced detrimental

effect on NOMS' organisational performance and account for a significant proportion of its overall sickness absence. Together with the costs of personal injury claims, brought by staff and prisoners, the costs that result from workplace accidents are high.

- 1.5. Effective health & safety management, improved record keeping, and enhanced management information can reduce the likelihood and impact of such events.
- 1.6. NOMS subscribes to reducing general health and safety risk to the reasonably practicable levels required by law. Therefore some level of incidents is likely. It is necessary to investigate and act on these, proportionately to the level of risk indicated and effective reporting and recording is critical to achieve this
- 1.7. [PSI 06/2015 AI 4/2015](#) Policy, Organisation and Summary Arrangements for the Management of Health and Safety, requires governors, deputy directors and heads of group to have in place suitable systems for the reporting and investigating of all accidents,
- 1.8 This is delivered by the use of the Rivo Safeguard© System ("Rivo") which is NOMS' online platform for the recording and analysis of accidents, injuries and work-related ill-health to NOMS staff, prisoners and third parties and the subsequent investigation thereof and the recording and management of relevant litigation (excluding Deaths in Custody and Employment Tribunals).

#### Desired Outcomes

- 1.9. Incidents are promptly and accurately reported and recorded by those responsible for doing so via the Rivo recording system
- 1.10. Initial reports are made as quickly as practicable following an incident by injured parties or their representatives using the correct system to the appropriate manager and an appropriate record made.
- 1.11. Records and reports, both external and internal are thorough, proportionate and relevant to the incident.
- 1.12. Incident management information is reported regularly and meaningfully to inform management decisions.
- 1.13. 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.
- 1.14. Investigations are proportionate to the significance and potential severity of the incident and its likelihood of recurrence in line with defined criteria (Refer to [Annex C](#)).
- 1.15. Line managers, designated managers; health, safety & fire advisors and hub staff understand their respective roles in recording and investigating incidents.
- 1.16. There is effective liaison between functions relating to accident recording, notably, hubs, HR, HSF and those operating IRS.

#### Application

- 1.17. *All staff must read and follow the section on reporting accidents and injuries*
- 1.18. *Line managers of injured parties and designated managers must read and implement the section on their role in responding to initial reports and subsequent investigations.*

- 1.19. *Hub Administrative Staff and Performance Management Staff must read the section on data gathering and collation and Rivo's relationship with the IRS / NOMIS system*
- 1.20. *Custodial Managers and Heads of Function responsible for IRS reporting must also read and understand the section on the relationship between Rivo and IRS / NOMIS and the section on higher level investigation and the use of management information.*
- 1.21. *Local Health, Safety and Fire Advisors must read and follow the section on their role in co-ordinating the investigation, quality controlling information gathering processes and maintaining and utilising Rivo data. They must also read and apply the section regarding statutory reporting criteria and apply these criteria with reference to their regional health, safety and fire leads.*
- 1.22. *HR Business Partners must read and apply the section relating to work-related ill-health and absence recording in Rivo and collaboration with HS colleagues on same.*
- 1.23. *Regional Health Safety and Fire Advisors must read the section on the use, oversight and regional administration of Rivo.*

#### Mandatory actions

#### **Governors and Heads of Group**

- 1.24. *Must ensure that basic local procedures (see [Annex F](#) for format) are in place to outline the responsibilities within the establishment for implementing the mandatory parts of this PSI and that suitable levels of co-operation exist to enable the right data about the right incidents to be shared and recorded appropriately*

#### **All Staff**

- 1.25. *All staff must report all accidents in line with the operational instructions at 2.1.*

#### **Line Managers and / or Designated Managers in charge of Injured Parties**

- 1.26. *Must ensure that reports of incidents brought to their attention are recorded in line with the operational instructions at 2.9 and subsequently adequately investigated within appropriate time limits*

#### **Heads of Function**

- 1.27. *Must ensure that the reporting, recording and investigation process in their areas of responsibility are effective and timely and co-ordinate and drive investigations into significant incidents in line with the operational instructions at 2.17.*

#### **Regional and Establishment Estates Services and Contract Managers**

- 1.28. *Must provide oversight and assurance of contractor accident reporting and recording and ensure effective liaison with establishment and NOMS reporting systems in line with operational instructions 2.16.*

#### **Band 4 Health, Safety and Fire Advisors (B4 HSF)**

- 1.29. *Must administrate and operate local procedures in line with operating instructions 2.20*

**Cluster Lead – Health Safety and Fire (CL-HSF)**

- 1.30. *Must provide management, training in and quality control of local systems in line with operational instructions 2.21*

**Regional Leads HSF (RL-HSF)**

- 1.31. *Provide governance and assurance of the regional system and be accountable for its operation in line with operational instructions 2.28*

**Human Resource Business Partners (HRBP)**

- 1.32. *Must ensure effective arrangements to enable accident systems administrators to be informed of work related sickness absence in line with operational instructions 2.32*

**Resource Impact**

- 1.33. The mandatory requirements in general should be resource neutral though some switching of activity from one resource to another may occur depending on current local practice. (e.g. HoF function engagement with serious incident investigations and HRBP liaison with HS function on sickness absence). Operational Managers recording certain incidents on IRS are now mandated to notify the local Rivo system owners of such incidents since both systems record different aspects of similar types of events. Work is ongoing to automate this process.

(Approved for publication)

**Carol Carpenter**  
**Director of Human Resources, NOMS**

## 2. Roles in Reporting, Recording and Investigating Accidents

### All Staff

- 2.1. *All staff must report any of the following via their line manager or the designated manager in charge of the work area or activity at the time:*
- *Accidents*
  - *Fires*
  - *Cases of work-related ill health*
  - *Control & restraint injuries*
  - *Assaults*
  - *Near misses,*
- 2.2. *Where staff record the above via a local logbook or statutory Accident Book, they must, nonetheless, notify the designated manager AND line manager (where different) at the earliest opportunity*
- 2.3. *Where staff are unable to make such a report due to the nature of the injury, it is the responsibility of the designated manager in charge of the incident location to notify the employee's line manager.*
- 2.4. *In the event of work-related ill-health, the member of staff must notify their line manager and or designated manager as soon as the ill-health becomes apparent.*
- 2.5. *All staff must co-operate with relevant accident investigations and in the implementation of risk control measures.*

### Line Managers or Designated Managers in Charge of an Injured Party (IP)

- 2.6. *Where an employee, prisoner or third party reports directly that they have suffered an injury or work-related ill-health, line managers or those in designated managers in charge must make a relevant and appropriate record in line with local procedures and / or on Rivo as soon as is practicable*
- 2.7. *When the IP is an employee of NOMS, the line manager or designated manager in charge of the area must make sure that a suitable entry is made in either the accident book (BI 510) or directly onto the Rivo system.*
- 2.8. *Dependent on the severity or potential severity of the incident, the line manager or designated manager in charge must take steps to gather and record as much relevant information as is appropriate for an initial investigation and record these on Rivo Safeguard via the initial event report page and the subsequent investigation page(s). This Rivo record can be added to and amended subsequently in line with a proportionate investigation. For non-significant incidents, the initial report page may be all that is required. (See [Annex C](#) on Incident Investigatory Levels)*
- 2.9. *Line managers, designated managers or hub managers receiving notification of sickness absence from an employee, where the absence is related to workplace injury or ill-health, must put in place arrangements to ensure that the incident or circumstances giving rise to the absence are recorded in the accident book and on Rivo together with the apparent cause of the absence.*
- 2.10. *Line managers and or managers in charge at the time must contribute information about the circumstances at the time of the accident since they are familiar with the circumstances and*



*location of their staff's work and the operating conditions and systems at the time. They are therefore crucial to the effective investigation of incidents*

- *liaison with the IP*
- *liaison with witnesses*
- *local records and procedures (inc. CCTV)*
- *visual inspection and records thereof*
- *photographs / sketches / timelines*
- *collecting and protecting relevant items / samples*
- *other relevant sources*

2.11. *Line managers and designated managers must not be expected to waste time 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. The extent of evidence must be proportionate to the actual or potential severity of the event or its likely litigation consequences.*

2.12. *Line Managers and or designated managers must follow up on accident reports and investigations occurring in their areas of responsibility to their staff, prisoners or third parties by:*

- *Completing the relevant level of investigation and recording it on Rivo with the support of relevant HSF Advisors.*
- *Contributing to a review and revision of relevant risk assessment(s) if required*
- *Checking on the progress and recovery of IPs either at work or absent (latter in line with attendance management contact processes )*
- *Making reasonable adjustments to accommodate IP recuperation and rehabilitation at work.*
- *Implementing any local changes to layout, procedures, training, equipment required by a review of the relevant risk assessment*
- *Contributing to health and safety committees on particular investigations as required*

### **Heads of Function**

2.13. *These managers must ensure that all reports and investigations are made within relevant time limits and to a satisfactory quality and reliability. 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 relevant HSF Advisors*

2.14. *These managers must engage with relevant HSF leads, whether at Cluster or Regional level on all relevant investigations including fire and, where appropriate, safer custody investigations*

2.15. *Where these managers are responsible for ensuring the reporting of incidents on IRS or via other routes, they must also ensure that any incidents that are also reportable under this PSI are reported in line with its requirements. [Annex G](#) identifies the crossover between IRS and Rivo and those incidents where basic data may be required on both systems. Where establishment hub resources are used for recording IRS incidents, access to Rivo must be facilitated for these staff for the same purpose*

### **Regional and Establishment Estates Services and Service Delivery Managers**

- 2.16. *In addition to the line manager duties outlined above, these managers must ensure that Dangerous Occurrences relating to plant and premises as defined in RIDDOR 2013 (See [Annex D](#)) are reported appropriately by contractors and, where relevant by NOMS to HSE.*
- 2.17. *Where necessary they must liaise with the relevant HSF cluster lead or to ensure appropriate local recording.*
- 2.18. *They must ensure that contract service providers and NOMS report accidents to their own employees and third parties in line with [Annex A](#).*
- 2.19. *These managers must receive summary reports of, and monitor via contract oversight, accidents occurring in the contracts for which they are responsible and receive assurance that, where appropriate, local remedial actions identified by investigations have been implemented, and, where not, use contract performance management to ensure appropriate action.*

### **Band 4 Health, Safety and Fire Advisors (B4 HSF)**

- 2.20. *B4 HSFs must ensure that any local accident systems are followed and regularly reconcile the accident book, sickness absence reports and IRS reports with Rivo records. They must use Rivo to support the collection of relevant information and check the consistency and quality of each record as it develops.*

### **Cluster Lead – Health Safety and Fire (CL-HSF)**

- 2.21. *The CL-HSF must provide oversight of the accident reporting and recording processes in the establishments for which they are responsible and monitor their effectiveness and accuracy.*
- 2.22. *They must draft and have approved a brief set of operating procedures for local accident reporting in line with the requirements of this PSI so that local staff are familiar with local rules. [Annex F](#) provides a standard format.*
- 2.23. *They must provide professional support to the B4 HSF by directing on levels and types of information required proportionate to the incident and, where HoF are co-ordinating investigations in line with their duties outlined above, provide support and assistance in that co-ordination.*
- 2.24. *They must carry out directly and / or co-ordinate investigations into relevant incidents (see [Annex C](#)) including remotely via Rivo and email and ensure that serious incidents including near misses are reported thoroughly and lessons shared and learnt amongst relevant departments and establishments.*
- 2.25. *Health, Safety and Fire (HSF) Advisors at relevant levels must provide assistance and support on this aspect of reporting and guidance as to what is needed, proportionately to the investigation level. Managers are not experts on incident classification, incident causation, civil claims processes or the law about accident reporting.*
- 2.26. *They must actively monitor Rivo for new incidents, check the quality and range of information submitted and correct or append as appropriate. They must co-ordinate and control appropriate subsequent Rivo action requests. Specific attention must be given to:*
  - *Immediate Cause*
  - *Severity*

- *RIDDOR Status*
- *Ill-health status*
- *SLE status*
- *Lost time*

- 2.27. *They must produce quarterly and annual reports incorporating Rivo data on individual establishment / cluster performance levels for HS Committees and sponsors and Regional HSF Advisors and management.*
- 2.28. *They must notify all statutory reporting of incidents under RIDDOR to Regional HSF Advisors and ensure basic details of Cell Fires are notified to Crown Premises Fire Inspection Group.*

### **Regional Leads HSF (RL-HSF)**

- 2.29. *The RL-HSF must provide assurance to the relevant DDoC and national policy team that an effective and accurate reporting and recording system is operating in the relevant region in line with this PSI.*
- 2.30. *They must direct and professionally support CL-HSF in the operation of the system and undertake regular checks on quality and timeliness of reports and investigations.*
- 2.31. *They must provide direct support as required in more complex investigations and report regionally to DDoCs and national policy team on performance.*
- 2.32. *They must ensure that all regional HSF staff apply statutory accident reporting criteria appropriately.*

### **Human Resource Business Partners (HRBP)**

- 2.33. *HRBPs must make arrangements to ensure that those staff managing and maintaining Rivo's records of work-related accidents and ill-health are notified regularly, and at suitable intervals, of newly reported work-related ill-health cases. They must also update these staff on the progress and / or closure of existing cases so that relevant Rivo records can be maintained.*
- 2.34. *There is a legal requirement to report certain cases of ill-health at work. As this requirement is delivered in NOMS by the Health and Safety function, HRBPS must engage with the latter on relevant cases and share relevant information on a systematic and regular basis to ensure legal compliance.*

### **Mandatory use of the Rivo Safeguard Reporting System and Incident Classification**

- 2.35. *Rivo must be used to record the following accident data:*
- *All Fires and Fire-related events*
  - *Work-related accidents and near misses to staff, prisoners and third parties\**
  - *Non work-related accidents and near misses to staff, prisoners and third parties\* e.g. sporting injuries*
  - *Assaults on staff\*\**
  - *Work-related ill-health to staff and prisoners*
  - *Use of Force Injuries to Staff*
  - *Use of Force Injuries to Prisoners*
  - *Litigation cases (excluding Employment Tribunal Cases and deaths in custody)*

*\* Incidents involving employees of 3<sup>rd</sup> party contractors occurring on NOMS premises must be recorded but the level of detail required for investigation is dependent on the whether the*

*incident arose from NOMS' undertakings or from the contractors undertaking. In the latter case, only a summary record is required and the duty to investigate further and report is incumbent on the contractor unless some aspect of NOMS' undertakings had an impact on cause or outcome.*

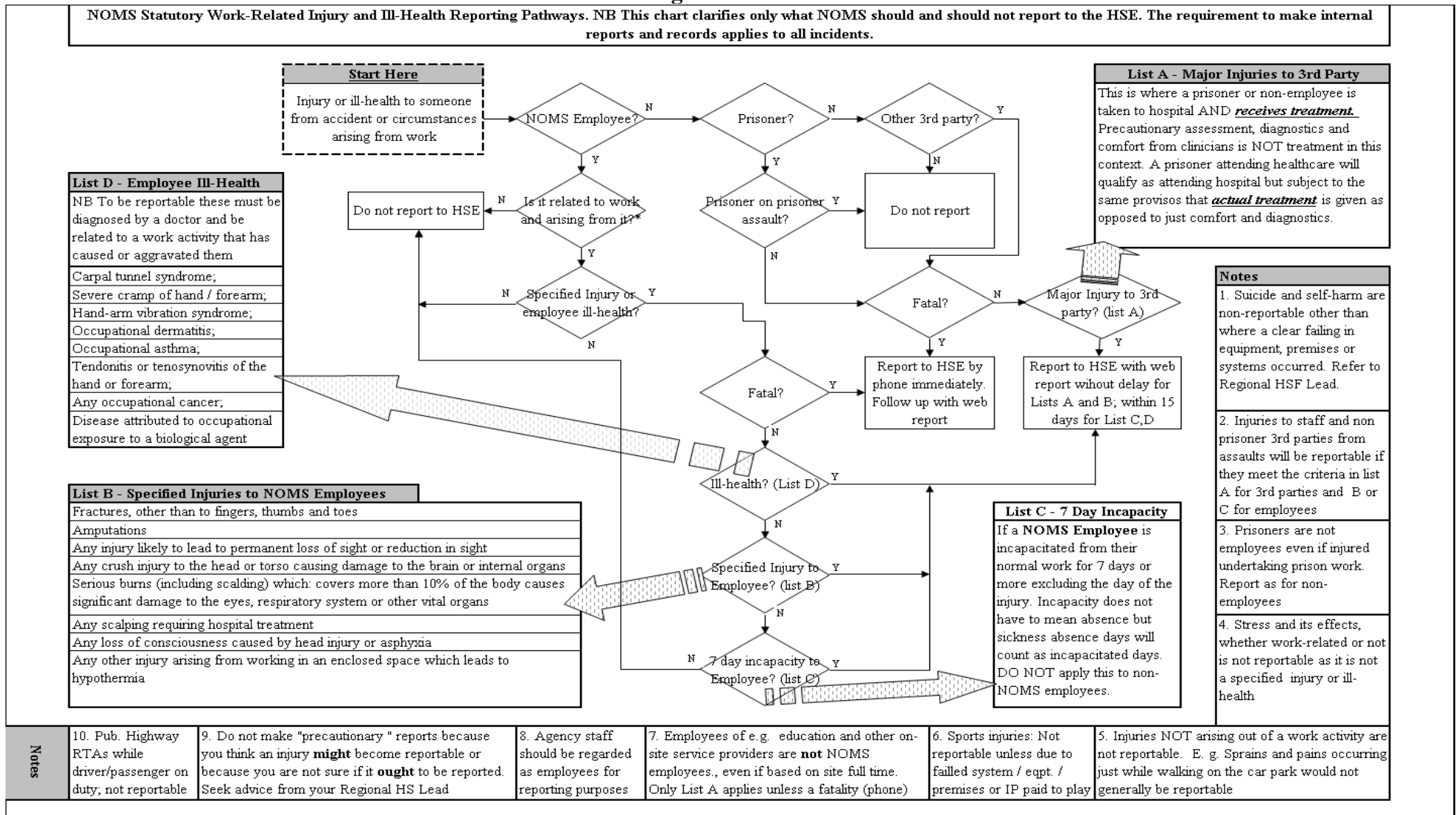
***\*\*There is no mandatory requirement for prisoner-on-prisoner assault injuries to be recorded on Rivo. However, it is good practice for establishments to choose to use it for this purpose if they wish as it can be highly beneficial for management information and litigation purposes.***

- 2.36. Rivo also provides a platform for remedial action allocation and tracking, health and safety audit, NOMS' risk assessments and NOMS' H+S library.
- 2.37. Work-related ill-health does not include colds, flu, flea bites etc. simply because they are believed to have been contracted at work, the ill-health has to arise from the NOMS work undertakings not just association with health risks which are present in the wider community anyway. This does not mean that concerns about health or hygiene will not be addressed but that the ill-health is not reportable under accident reporting law
- 2.38. Musculo-skeletal injuries such as sprains or strains, even if apparently chronic, are injuries, not ill-health
- 2.39. Where employee reports of injuries and ill-health are made substantially after an incident which is said to have given rise to them and no record of the incident exists, the law requires that NOMS records the circumstances of the employee's report and its own account of the incident said to give rise to it
- 2.40. *The BI 510 "Accident Book" remains the statutory reporting form for employee injuries until a transition to full electronic recording is undertaken. A copy must be maintained in a controlled area(s) to which staff or a representative can have access to record incidents either physically or verbally e.g. Gate, Communication Room etc. pending roll-out of an electronic system.*

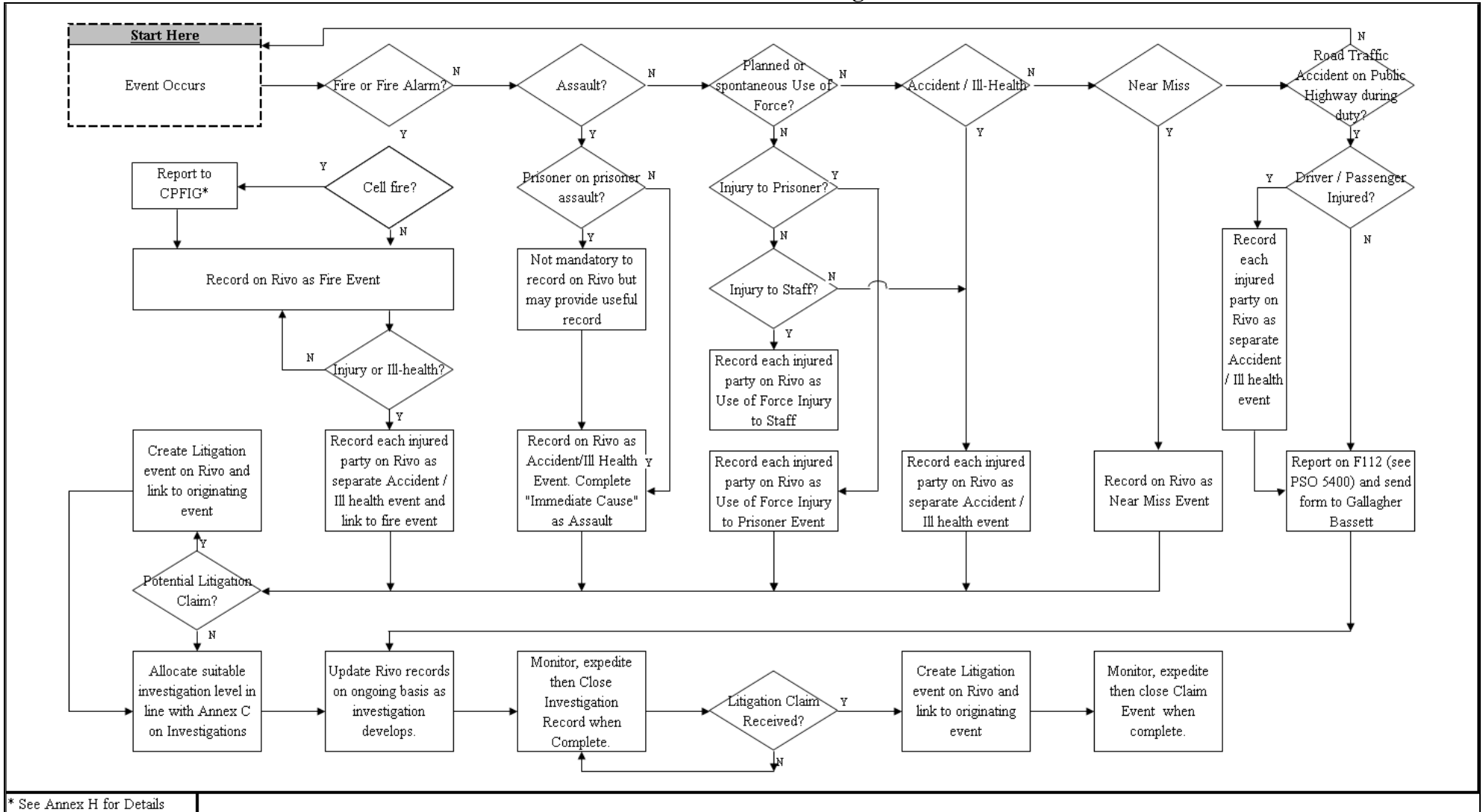
**3. Policy and strategic context**

- 3.1 This PSI is part of a wider transition to documenting NOMS' health and safety management arrangements at national, as opposed to establishment, level. It is designed to achieve more consistent standards, restrain over-bureaucratic local systems, deliver pragmatic and effective legal compliance and reduce duplication of effort and documentation across the estate.
- 3.2 Specifically, this PSI aims to clarify roles in respect of accident 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 It also allows for the transition from paper based incident recording to fully electronic recording as the Rivo system is developed.

## NOMS Decision Chart for Statutory Reporting Injury and Ill-Health in line with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013



**Annex B**  
**NOMS Decision Chart for Rivo Recording and Classification**



### Investigatory Response Levels Matrix

Actual or Probable Severity of Outcome*	Level of Investigation and Time Limit	Carried out by	Report to
<p>Low</p> <p>E.g. Ranges from no injury to injuries resulting in minor first aid treatment and possibly some ongoing self-treatment but not requiring any professional medical treatment. (NB. A precautionary check-up by a nurse or doctor is not treatment for these purposes, even if at a hospital).</p>	<p>Low Level 1</p> <p>Complete either:</p> <ul style="list-style-type: none"> <li>a) Rivo Safeguard near miss form or</li> <li>b) Rivo accident/ill health form</li> <li>c) Rivo use of force form</li> <li>d) Rivo fire event form</li> </ul> <p>Complete within 3 days of notification</p>	<p>Line or designated management and injured party with support and guidance from Band 4 HSF</p> <p>Band 4 HSF to check completeness and quality of record and assess need for additional information if required.</p>	<p>Summarise levels and patterns to CM and HoFs in quarterly reports.</p> <p>Look at overall patterns at HSF Committee and SMT</p>
<p>Medium</p> <p>A broad category between low and high, probably requiring professional medical treatment (excluding a precautionary check up) and probably with short to medium term incapacity which will fully recover</p>	<p>Medium Level 2</p> <p>Complete relevant Safeguard form and Level 2 investigation record. These incidents will be notified to the Cluster Lead and Regional Lead, HSF for scrutiny.</p> <p>HSE may also choose to investigate</p> <p>Complete within 7 days of notification</p>	<p>Line or designated managers with support from Cluster Lead HSF. Oversight from Line or designated Manager's Manager</p> <p>HSE may investigate</p>	<p>Line Manager's Manager; CM or HoF</p> <p>Discuss report at local H&amp;S Committee</p>
<p>High</p> <p>Fatality** or major injury (or multiple injuries) probably requiring urgent or intensive and possibly ongoing professional medical treatment and likely ongoing debilitation or loss of physical or mental capacity.</p> <p>**Deaths in Custody (DiCs) investigations will be undertaken in line with related PSIs re Investigation, DiCS and Safer Custody and PPO Terms</p>	<ul style="list-style-type: none"> <li>• High Level 3</li> <li>• Fully documented investigation undertaken by team appointed regionally and to include Regional Lead, Health, Safety Fire</li> <li>• A lead to be appointed to complete Safeguard accident and investigation records</li> <li>• HSE may also choose to investigate</li> <li>• Internal Report Completion time 28 days subject to SIO, Coroner, HSE lead.</li> </ul>	<p>Senior manager of area, local management, Regional H&amp;S Advisor</p> <p>Regional office appointed team</p> <p>Support and involvement from National HSF Policy Team</p>	<ul style="list-style-type: none"> <li>• Senior Management and Regional office and HQ HSF Team immediately.</li> <li>• Cluster Lead, HSF and Regional HS Advisor</li> <li>• Discuss progress and final report at local H&amp;S Committee and Senior Management Team meetings.</li> <li>• Discuss final report at Regional SMT and National NEMC Sub-Committee</li> </ul>

\* This means potentially that a "no injury" incident can be investigated as a fatality. In judging potential severity, the question should be asked "what is the most reasonably likely outcome / injury from that incident?" "If it happened again in similar circumstances, what would a REASONABLE person suggest as the most likely usual outcome.



## **List of NOMS – Relevant Dangerous Occurrences Reportable under RIDDOR 2013**

### **Dangerous Occurrences**

The numbers quoted below against each type of dangerous occurrence must be quoted on the HSE RIDDOR online form via the HSE Reporting Website.

Reportable dangerous occurrences are:

#### **Lifting equipment**

1. The collapse, overturning or failure of any load-bearing part of any lifting equipment, other than an accessory for lifting.

#### **Pressure systems**

2. The failure of any closed vessel or of any associated pipework (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.

#### **Overhead electric lines**

3. Any plant or equipment unintentionally coming into—

(a) contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or

(b) close proximity with such an electric line, such that it causes an electrical discharge.

#### **Electrical incidents causing explosion or fire**

4. 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.

intended extent of collapse or direction of fall of a structure in any demolition operation.

#### **Radiation generators and radiography**

11. (1) The malfunction of—

(a) a radiation generator or its ancillary equipment used in fixed or mobile industrial radiography, the irradiation of food or the processing of products by irradiation, which causes it to fail to de-energise at the end of the intended exposure period; or

(b) equipment used in fixed or mobile industrial radiography or gamma irradiation, which causes a radioactive source to fail to return to its safe position by the normal means at the end of the intended exposure period.

(2) In this paragraph, “radiation generator” means any electrical equipment emitting ionising radiation and containing components operating at a potential difference of more than 5kV.

#### **Breathing apparatus**

12. The malfunction of breathing apparatus—

- (a) where the malfunction causes a significant risk of personal injury to the user; or
- (b) during testing immediately prior to use, where the malfunction would have caused a significant risk to the health and safety of the user had it occurred during use, other than at a mine.

### **Collapse of scaffolding**

18. 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.

### **Structural collapse**

23. 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.

24. The unintentional collapse or partial collapse of any falsework.

### **Explosion or fire**

25. 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.

### **Release of flammable liquids and gases**

26. The sudden, unintentional and uncontrolled release (a) inside a building—

- (i) of 100 kilograms or more of a flammable liquid; (ii) of 10 kilograms or more of a flammable liquid at a temperature above its normal boiling point;
- (iii) of 10 kilograms or more of a flammable gas; or (b) in the open air, of 500 kilograms or more of a flammable liquid or gas.

### **Hazardous escapes of substances**

27. The unintentional release or escape of any substance which could cause personal injury to any person other than through the combustion of flammable liquids or gases.

## Policy and Legal Context

The following is a list of relevant internal policies and external legal requirements:

### **NOMS Policy**

AI 04/2015 NOMS National Health and Safety Policy; PSI 2012/11 Incident Reporting System (especially Section 3.2. and 3.3)  
PSO 1300 Investigations

### **Legal Requirements**

#### The Health and Safety at Work etc Act 1974

The Health and Safety at Work etc Act 1974 requires employers to provide a safe place of work that is without risk to health and to ensure the health and safety of others who may be affected by their undertakings.

#### Management of Health and Safety at Work Regulations 1999

Regulation 5 – requires employers to make appropriate arrangements for the effective planning, organisation, control, monitoring and review of preventative and protective measures. This cannot be achieved without investigating, recording and analysing accident information.

#### The Social Security (Claims and Payments) Regulations 1979

The Social Security (Claims and Payments) Regulations requires employers to make available a readily accessible book in which any accident causing personal injury to an employee can be recorded by that person, or by a person acting on their behalf. This provides a record of injuries which would be referred to by the Benefits Agency in any claim for industrial injury benefit. Governing Governors should ensure that an Accident Book BI510 is made readily available for staff, prisoners, contractors and visitors. Later regulations allow this data to be recorded electronically so long as specified minimum data is recorded.

#### The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 requires employers to appoint a responsible person to report certain accidents falling under the criteria detailed within RIDDOR to the enforcing authority within the specified timescales.

Governing Governors should ensure that an effective accident reporting system is in place which will comply with the requirements within RIDDOR. Further guidance on reporting under RIDDOR can be found in [Annex A](#) and a format for procedures at [Annex F](#).

## NOMS Format for Local Health and Safety Incident Reporting Procedures

### Establishment:

### Date:

### Authorised by:

### Duties:

1. Person Responsible for Local Administration of Rivo
  - 1a. Person responsible for the management of establishment's Rivo data
2. Person Responsible for ensuring IRS and Work-related ill-health data are shared with Rivo administrator
3. Person responsible for ensuring the quality, currency and consistency of Rivo Data
4. Person responsible for referring borderline RIDDOR incidents to Regional HSF Lead
5. Person responsible for notifying Regional HSF Lead of RIDDOR incidents
6. Person responsible for determining investigation levels in line with [Annex C](#) to the PSI
7. Duties of Hub Teams in updating Rivo and processing related HS Management Information
8. Person responsible for co-ordinating claims cases and associated Rivo records.

### **Processes:**

1. Process for informing Rivo administrator / system of relevant IRS reports
2. Process for informing Rivo administrator / system of work-related sickness absence and Sick Leave Excusal
3. Process for informing managers and staff as to their reporting and recording duties

## **Crossover between Rivo and IRS Records**

Where operational managers are recording incidents on IRS they are required to notify the local Rivo administrators of the following:

- **Assaults on Staff and third parties other than prisoners (except where local arrangements include the recording of prisoner-on-prisoner assaults via Rivo)**
- **All fires and fire alarms events**
- **Deaths of non-prisoners**
- **Prisoner deaths where the condition or management of prison premises or equipment is a factor**
- **Other IRS events ( e.g. barricade ) where injuries have arisen**

The type of notification may vary from establishment to establishment and must be outlined clearly in the Local Reporting Procedures (See [Annex F](#) for format). The minimum data to be shared will be as follows:

- **Date, time, location and type of incident**
- **Principle staff involved**
- **Name(s) and status of injured parties**
- **Severity or potential severity**
- **Current status and investigation lead**

Details of Cell Fires to be sent to Crown Premises Inspection Group

Date of Fire:  
Establishment:  
Department:  
Specific Location:  
Description:  
Name of Person Reporting:  
Rivo Event ID:

## Glossary and Definitions

**Accidents** – Any adverse and unintended event which has caused injury or ill-health, this includes assaults.

**Contractors** – Organisations commissioned to undertake work on behalf of NOMS.

**G and O Audits** – Governance and Order Audits undertaken by MoJ's Independent Audit and Assurance Team in NOMS' custodial sites. These cover Fire and OHS respectively on a 3 year cycle.

**Cardinus** – Cardinus Workstation Safety Plus ® - NOMS' Software Application for use by staff for the delivery of both risk assessment and training about safe use of computer workstations.

**Designated Manager:** A manager whose role it is to undertake reporting, recording and investigation duties by dint of being in charge of an operation, area or IP when and incident occurs in the absence of the line manager.

**DSE** – Display Screen Equipment – Computer and CCTV display equipment and workstations.

**IP** – Injured Party following an accident.

**Near Miss** - Any adverse and unintended event which would have caused injury or ill-health but, for some reason, did not, this includes assaults.

**Near Miss:** An unintended event in which no injury is incurred but which could have caused harm or injury. The absence of injury does not mean that the event should go unreported or uninvestigated

**NORCET** – NOMS OHSF Risk Control and Evaluation Tool – A reporting device to measure OHSF Performance at regular intervals across NOMS services.

**OHSF** – Occupational Health, Safety and Fire. This abbreviation is used to cover the whole range of OHSF risks. Where the term is used without the O and / or the F it is intended to indicate that the reference excludes that aspect of the risk, hence HS is used where references to occupational health and fire safety are **intended to be excluded**.

**OHSF Sponsor** – A senior manager in a particular NOMS location or service whose role it is to provide leadership on OHSF matters and ensure that OHSF work is expedited and that senior colleagues keep OHSF issues in mind when making management decisions. The OHSF Sponsor is not an advisor or expert.

**OSSP** – On-Site Service Providers - Contractors engaged to deliver ongoing services on NOMS' premises such as education, healthcare, facilities management etc. As distinct from contractors attending to undertake discrete, time-limited pieces of work.

**Rivo** – Rivo Safeguard ® - NOMS Accident Recording and OHSF Management Software

**Safety Tour** – A walk-through of a premises (or part of a premises) by a senior manager with a view to considering the health and safety of those using the premises and any issues or concerns they have.

**SMT** – Senior Management Team(s).

**TFM Providers** – Contractors, their employees and subcontractors who are engaged by NOMS to provide facilities management services to NOMS premises.

**WPI** – Workplace Inspection – Formal visual check of the state of a workplace (or part of it) to identify immediately visible hazards, put in place steps to remove them and make a brief record of the WPI.