

London Borough of Hammersmith and Fulham Incident Selection Criteria Policy

1.0 Purpose

1.1 This Policy is based on guidance from the Health & Safety Executive (HSE) which should be used by all local authorities (LAs) for the selection of Reporting of Injuries, Deaths and Dangerous Occurrences Regulations 1995 (RIDDOR) notifications. It provides a common proportionate, transparent and targeted procedure for the selection and investigation of accidents and incidents. Using this procedure or adopting an equivalent approach which mirrors it, supports LAs in their duty to 'make adequate arrangements for enforcement' under Section 18 of the Health and Safety at Work Act 1974 (HSWA). This guidance also provides an approach for LAs which is consistent with the Health and Safety Executive's (HSE) Field Operations Directorate (FOD).

2.0 Scope

2.1 This policy applies to the handling of all notified incidents received by the London Borough of Hammersmith and Fulham Council (the Council) whether reportable or not.

2.2 This guidance does not extend to circumstances where other regulatory frameworks are best placed to deal with the potential breaches of the law e.g. trading standards or food safety.

3.0 Statement of Policy

3.1 Incidents should be selected for investigation with consideration of the Council's Enforcement Policy. The Council will, in accordance with their duty under Section 18, allocate sufficient time and resources to investigate accidents, dangerous occurrences and causes of occupational ill health. When deciding which incidents to investigate and the level of resource to be allocated to the investigation, account will be taken of the:

- severity and scale of potential or actual harm;
- seriousness of any potential breach of the law;
- duty holder's known past health and safety performance;
- enforcement priorities;
- practicality of achieving results; and
- wider relevance of the event, including serious public concern
- national guidance on targeting interventions (LAC 67/2)

3.2 In certain cases the Council may decide not to investigate an incident in the Mandatory category. (See Section 6.0 Non-investigation of a mandatory incident)

3.3 Not every incident reported to the Council will require investigation after initial enquiries have been made. The criteria for selecting incidents suitable for further investigation are detailed below. (See Section 7.0 Discretionary Investigations)

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4.0 Procedure following notified incident

4.1 Incidents relating to accidents, dangerous occurrences and occupational ill health will come to the Council's attention through the RIDDOR notification database, complaints, officer visits or enquiries from Solicitors acting on behalf of an injured party etc.

4.2 Where the Incident Contact Centre (ICC) or online reporting is used to report incidents, details will be accessible to the Council via the RIDDOR notification database. This will be checked daily by the Commercial Services Duty Officer and incidents either accepted or reallocated to other authorities or the HSE as appropriate using the relevant enforcing authority guidance.

4.3 Where the ICC or online reporting has not been used, the Commercial Services Duty Officer should ensure that all notifiable incidents reported directly to them are input on the RIDDOR notification database.

4.4. All incidents received should be considered in the first instance by the Commercial Services Duty Officer, then passed to a Commercial Services Environmental Health Officer (EHO) who will decide whether the incident is investigated based on the criteria outlined in this policy, and who will make initial enquiries and/or investigate further as appropriate.

4.5 All officers, including Contact Centre staff, who may handle incident notifications should be familiar with the key aspects of this guidance so urgent notifications such as fatalities and multiple serious injuries are brought to the Commercial Services Duty Officer's attention as a matter of priority.

4.6 The criteria considered which lead to a decision whether an incident is selected for investigation or not should be recorded on the Council database.

4.7 If further information is required in order to effectively investigate, the injured party/employer/member of the public can be contacted.

5.0 Mandatory investigations

The following defined major incidents should always be investigated:

5.1 Fatalities (Work-related deaths):

- **All** work-related accidents which result in the death of any person, including non-workers. "Accident" specifically excludes suicides* and deaths from natural causes.
- Other deaths arising from a preventable work-related cause* where there is a likelihood of a serious breach of health and safety law, and where it is appropriate for enforcing authorities to investigate.

*In some circumstances e.g. in health or social care, the risk of suicide may arise from the work activity. In such cases, the HSE guidance on the application of HSWA section 3 should be applied. This guidance also clarifies those circumstances when investigation by enforcing authorities is appropriate e.g. in relation to areas regulated by other regulators and legislative regimes, such as clinical judgment and practice. See: www.hse.gov.uk Enforcement - Health and Safety at Work etc Act 1974 - Section 3

5.2 Specified Injury

All work-related accidents resulting in a "Specified Injury" [RIDDOR Reg. 4(1)] to any person, including non-workers that meet any of the following conditions should be investigated:

- Serious multiple fractures (more than one bone, not including wrist or ankle);
- All amputations other than amputation of digit(s) above the first joint (e.g. fingertip);
- Permanent blinding in one or both eyes;
- Crush injuries leading to internal organ damage, e.g. ruptured spleen;
- Any burn injury (including scalding) which covers more than 10% of the surface area of the body or causes significant damage to the eyes, respiratory system or vital organs;
- Any degree of scalping requiring hospital treatment;
- Loss of consciousness caused by head injury or asphyxia;
- Any injury arising from working in an enclosed space which leads to hypothermia or heat induced illness, or requires resuscitation or hospital admittance for more than 24 hours.

5.3 Cases of Occupational Disease:

The following notifications of cases of occupational disease, other than those arising from circumstances or situations which have already been investigated:

- All reports of cases of occupational disease which are reportable under RIDDOR Regulations 8 – 10, specifically:
 - Carpal Tunnel Syndrome,
 - cramp in the hand or forearm,
 - occupational dermatitis,
 - hand arm vibration syndrome,
 - occupational asthma,
 - tendonitis or tenosynovitis in the arm or forearm,
 - any cancer attributed to an occupational exposure to a known human carcinogen or mutagen,
 - any disease attributed to an occupational exposure to a biological agent.
- Other reports of cases of occupational disease with the potential to cause death or a “serious health effect” as defined in Enforcement Management Model (EMM), and which arise from working practices that are likely to be ongoing at the time the report is made.

5. 4 Incidents which indicate a likelihood of a serious breach of health and safety law:

This includes any incidents considered liable to give rise to serious public concern, where, from the facts known, the application of the EMM would give rise to an initial enforcement expectation of a notice or a prosecution.

6.0 Non–investigation of a mandatory incident

6.1 If a mandatory incident is not investigated, the reason(s) for that decision should be recorded on the Council database by the EHO.

6.2 The grounds for not investigating incidents that would normally be investigated may include:

- where an investigation is impractical, e.g. unavailability of key witness(es), key evidence is no longer available;
- no reasonably practicable precautions available to prevent the incident/accident or its recurrence;
- investigating the accident will mean the Council will be acting ultra vires;
- there is a conflict of interest between the Council as a regulator and duty holder, in which case the appropriate enforcing authority should be notified, or
- inadequate resources due to other priorities.

7.0 Discretionary investigations

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

- the incident may not have caused a RIDDOR defined major injury but is either in accordance with HSE's national guidance to LAs on targeting interventions ([LAC 67/2](#)) or one which is related to a specific health and safety initiative that is contained within the Commercial Services Team Service Plan;
- the poor health and safety track record of the duty holder and whether or not there has been a history of similar events;
- the incident has the potential for high public profile/media attention or has received considerable media attention leading to reputational risk through inaction/perceived inaction;
- the incident may give rise to complaint(s). Depending on the circumstances, this should be dealt with as a normal complaint procedure and not necessarily require a full incident investigation unless found to be appropriate;
- any incident that has been identified as being useful for –
 - enhancing sector good practice\technical knowledge or
 - training and developing staff as recognised from any Continuing Professional Development discussions.