



ACCIDENT REPORTING AND INVESTIGATION

Your Practical Guide



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The information contained within this document is intended as a general guide only and is not necessarily comprehensive. You should seek appropriate professional advice when devising any risk assessment or management programme. AXA Insurance will not be liable for loss or damages arising, in contract, tort or otherwise, directly or indirectly from the use of or reliance upon any information contained in this document.

Introduction

There are two vital reasons for reporting and monitoring accidents in any business:

- it provides essential information that will help you to manage your business more effectively
- it is a legal requirement to report certain types of accident to the relevant enforcing authority (or EA).

What is an Accident?

The most commonly used definition of an accident is 'an unplanned event or occurrence that may or may not give rise to injury or damage'. However:

- only certain types of accident require a formal notification to the enforcing authority
- certain work-related diseases must also be reported
- the list of reportable accidents and diseases is subject to change – for example, there is now a duty to report any acts of non-consensual violence to an employee: staff working in a Social Security Office, security guards and even shop assistants are among those who are particularly vulnerable to assault while they are at work.

Knowing when to report an accident, injury or disease is therefore very important.

An Essential Tool of Management

The recording of injuries - whether serious or minor, near misses where someone just avoids being injured, and incidents such as damage to plant and equipment should be regarded as vital for monitoring the well-being of your organisation.

Where senior management carefully scrutinise accident records, this provides them with a good indication of how effectively Health and Safety is being managed during day-to-day operations.

For example, if similar types of event or other worrying trends appear in the accident book, this suggests that all is not well in the workplace, that further analysis is required, and that management will probably need to take remedial action.

To Whom Must Accidents or Diseases Legally be Reported?

Depending on your type of business, the enforcing authority to whom accidents and diseases must be reported is either the Local Authority Environmental Health Department or the local Health and Safety Executive Office (HSE).

The following are the activities and industry sectors covered by Local Authority Environmental Health Departments.

- Retailing
- Warehousing (certain warehouses only)
- Businesses operating solely out of offices
- Hotel and Catering trade
- Sport and Leisure industry
- Consumer Services
- Places of Worship
- Residential Care
- Pre-school Child Care
- Mobile Vendors

The HSE is the enforcing authority for all other industry types.

Further details regarding enforcement responsibility can be found in the Health & Safety (Enforcing Authority) Regulations 1998.

What Types of Accident and Disease Must Legally be Reported?

There are three main types of accident or disease where, under current Health and Safety Legislation, you must notify the incident to the enforcing authority for your industry.

- Major accidents and diseases – including all fatalities – must always be reported. The regulations are explained in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, (referred to as the RIDDOR Regulations).

There is also a useful guide available on a free issue basis for employers from HSE Books, entitled RIDDOR Explained (HSE 31 (rev1)).

Some examples of reportable accidents and diseases appear on the next pages.

- It is also necessary to report incidents which, although the outcome was not considered serious, had the potential for more severe consequences.

Fatalities and other major incidents are easily identifiable, but it can be harder to know when to report incidents where the consequences could have been more serious.

An example may help. Suppose that a piece of plant such as a mobile crane was overturned and no one was injured, but the crane was extensively damaged.

The consequences of such an incident could have been more severe, resulting in death or major injury to the crane operator or to someone else.

- In addition to serious injuries outlined in RIDDOR, minor injuries must also be reported where the injured person has been absent from work for three consecutive days – excluding the day of the accident and including weekends.

Examples of Reportable Accidents and Diseases

Examples of reportable injuries, incidents and diseases are included in the summary below. Please note this is not intended to be an exhaustive guide. If you require more detailed information, you should refer to the relevant schedules in the RIDDOR Regulations.

Reportable Accidents and Dangerous Occurrences

- Death of an employee at work
- Death of, or injury to, a member of the public
- Accidents where, as a result, an injured person has required hospitalisation for a period of 24 hours or more
- Accidents where, as a result, an injured person has been absent from his or her normal place of work for three or more days
- Major injury, such as a fractured skull, the fracture of a major bone, or an injury requiring an amputation
- Collapse of scaffolding
- Explosion or fire
- Collapse of a building or structure
- Uncontrolled release or escape of a dangerous substance or pathogen

Reportable Diseases

- Dermatitis (resulting from work involving contact with mineral oils)
- Hand Arm Vibration Syndrome (resulting from work involving the use of vibrating hand tools)
- Infections (such as Legionellosis resulting from work involving cooling systems)
- Cancer (resulting from exposure to certain chemicals and processes).
- Pneumoconiosis (resulting from work involving stone quarrying, coal mining, etc.)
- Occupational Asthma (resulting from exposure to welding fume or other noxious agents).

When and How to Report Accidents and Diseases

All incidents must be reported to the enforcing authority within ten working days of the event.

It is usually best to:

- report the incident immediately by telephone – and for this reason the details and telephone contact number of the enforcing authority must always be shown on the Health and Safety Law Poster, 'What You Should Know' (ISBN 07176 1706 8), which must be displayed on all premises where people are employed.
- submit a written report to the enforcing authority within ten working days of the incident, using
- form F2508 in the case of an injury or dangerous occurrence, or
- form F2508a in the case of disease.

Why You Need to Maintain an Accident Book

In addition to the legal requirements imposed by RIDDOR, you must also ensure that all injuries, regardless of how minor they may appear to be, are properly recorded in an accident book. This should be kept at a central location on the premises.

The duty to maintain records of minor accidents and injuries is a legal requirement imposed by the Social Security (Claims and Payments) Regulations 1979. These regulations apply to premises:

- covered by the Factories Act 1961 or
- where ten or more people are employed at any one time.

Any employee who suffers a personal injury through an accident at work must inform his or her employer (either verbally or in writing) as soon as possible after the accident occurred.

As employer you must then take reasonable steps to investigate the circumstances of the accident. If there is any discrepancy between your findings and the information provided by the employee, you must record that discrepancy for future reference – particularly as it may be relevant in an Employers' Liability insurance claim.

What You Should Record in the Accident Book

An accident report book called a form BI510 may be obtained from HSE Books and should be completed by a senior member of staff to record the details of any accident causing personal injury to an employee. The book must be retained for at least three years after the date of the last entry in the book.

All accident books will need to comply with the requirements of the Data Protection Act 1998 (DPA) from 31 December 2003. The current version of the BI510 and HSE issued accident books will no longer be acceptable after this date as it allows personal details and information to be seen by anyone reading or making an entry in the book and this will no longer be allowed.

The new publication entitled the HSE Accident Book (BI510) has been published to aid compliance with this requirement and allows for accidents to be recorded, while details of individual(s) can be stored separately in a secure location

Insurance surveyors and claims inspectors require 'Legitimate Access' to review details of accidents, injuries and entries in the accident book which is a condition of the insurance contract between the Policyholder and AXA Insurance.

The HSE Accident Book' ISBN 0 7176 2603 2 price £4.75 plus VAT is available from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA, tel: 01787 881165, fax: 01787 313995 (or website www.hsebooks.co.uk).

The following information must be recorded about each incident:

- Full name, address and occupation of the injured person
- Date and time of the accident
- Place where the accident happened
- Cause and nature of the injury
- Name, address and occupation of the person notifying you, if this is not the injured person

AXA Insurance provide a free accident/incident report form which will assist you in recording the relevant information and details. This will ensure that an accurate record exists in the event of any civil liability claims being brought against you. (This form can be downloaded free from www.axa4business.co.uk)

Accident Investigation

All accidents, near misses and outbreaks of disease should be investigated as a matter of routine. The findings of any investigation should then be used to improve workplace safety standards and make appropriate recommendations to prevent a repeat of the incident.

Investigations will very often highlight flaws in manufacturing procedures or in new work equipment and processes, and there is therefore a very strong case for involving non-safety-related personnel to assist in the investigation.

The nature of the incident will dictate the level of investigation required, and it is likely that the majority of serious accidents will be investigated by a Director or Senior Manager. As a minimum, all investigation reports should include:

- A detailed description of the events leading to the accident or disease
- The identified cause or causes of the accident or disease, and the nature and severity of the injury or incapacity
- The immediate action taken to prevent a recurrence
- Any breaches of statutory requirements or company regulations, and an assessment of whether action will need to be taken to ensure enforcement in future
- Training requirements
- Witness statements, and if possible a statement from the injured or sick person
- Photographs of the damage and if possible of the injury. (Photographs need to be endorsed with the date and time, and the investigating employee should sign the back certifying that the photograph is a true record.)
- Conclusions and recommendations for further action by senior management.

An accident investigation should take care never to blame an individual or group of individuals. The aim should be to attain complete impartiality in terms of reporting the facts of the incident.

Investigating a case of disease or occupational ill health will require the assistance of specialist help. Contact should therefore be made as early as possible with the Employment Medical Advisory Section (EMAS), who will be able to offer advice. They are located at the regional office of the HSE.

If the incident is serious and involves a fatality, major injury or significant damage to plant or equipment, it is advisable that you contact AXA Insurance. You need to notify AXA of any potential Employers' or Public Liability claims – that is, if the incident involves:

- injury to an employee
- injury to a third party, or
- damage to property belonging to a third party.

If an incident results in a claim or possible claim, AXA may need to carry out their own investigation as soon as possible. AXA may then make recommendations to prevent similar occurrences that could expose your employees and business to further accidents or diseases.

AXA Insurance employ experts who have a wealth of experience in claims investigation. Should you require assistance in this field, please contact your insurance broker to find out what services are available.

www.axa4business.co.uk

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