**SOMERSET ROAD EDUCATION TRUST ACCIDENT INVESTIGATION POLICY**

 **SOMERSET ROAD EDUCATION TRUST – SRET**

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| **Version and Date** | **Action/Notes** |
| 1.0 | 03/16 | Approved by MOB 20/5/2016 Author Sharon Day SBM |
|  | 05/21 | Approved by Sret Board |

Accidents and incidents may be caused by a combination of unsafe acts, unsafe conditions and personal factors. As part of any safety management system the aim of accident investigation should be to establish the root cause(s) of an event or events that have resulted in an accident.

The aim of this booklet is to describe the actions needed to be carried out by line managers to successfully investigate accidents in the work place. This activity may be undertaken by specially appointed investigators (e.g. safety consultants), on behalf of the line manager.

This document should be read in conjunction with the SRET procedure for Notifying and Recording of Accidents, Injuries, Diseases and Dangerous Occurrences including near misses. SRET schools currently use Wiltshire Council as their H&S Provider and the attached flow chart must be followed on page 4

SRET has chosen to have in place arrangements for the monitoring of the preventative and protective measures in their organisation. This includes the requirement to adequately investigate the immediate and underlying causes of accidents and incidents to ensure that remedial action is taken, lessons are learned and longer-term objectives are introduced.

**DEFINITIONS**

**Accident or Incident -** Any event which causes, or has the potential to cause injury, loss or damage to people, plant or premises.

**Dangerous Occurrence** A specific, unplanned, uncontrolled event which has the potential to cause injury or damage.

**GENERAL STATEMENT**

This booklet outlines the investigation procedures which are to be adopted when any accident, ill health, near miss or dangerous occurrence occurs on our premises during the course of any work activity.

It is the policy of SRET to ensure that where practicable all accidents or occurrences of work-related ill health, dangerous occurrences and near misses will be fully investigated by suitably trained staff. Accident or incident investigation is not a means of determining fault or apportioning blame.

The purpose of the investigation is to:

* ensure that all necessary information in respect of the accident or incident is collated
* understand the sequence of events that led to the accident or incident
* identify the unsafe acts and conditions that contributed to the cause of the accident or incident
* identify the underlying causes that may have contributed to the accident or incident
* ensure that effective remedial actions are taken to prevent any recurrence
* enable a full and comprehensive report of the accident or incident to be prepared and circulated to all interested parties
* enable all statutory requirements to be adhered to

The information in this policy will apply to all accidents or incidents involving employees, contractors, visitors and members of the public. SRET will co-operate with employers of contractors who may be involved in any accident or incident.

The persons with responsibility for implementing the provisions of this policy are the Head Teachers

**ENFORCING AUTHORITIES**

In the event that the enforcing authority wishes to carry out an investigation, SRET will strive to meet all of its legal responsibilities when co-operating with the investigating inspector.

**DUTIES**

The Headteacher will be undertake the investigation, but may delegate out some of the responsibilities. Persons identified as responsible for the investigation should have regard for the severity as indicated in Table 1 below.

Detail the person responsible for taking initial action to notify the relevant authorities of the accident.

Those tasked with the duty of undertaking an investigation, should as appropriate:

Confirm that the accident scene is still secure and no further incident is likely.

Determine the level of investigation required, see Table 1.

Determine if the police or specialists will be investigating the accident / incident. If the police are to investigate the accident / incident ensure that the scene is not disturbed until their arrival and assist them as requested.

Draw up a list of potential witnesses and evidence to be examined for the investigation, obtain any sketches, drawings, or maps relevant to the incident.

Obtain the assistance of specialist staff when appropriate.

All employees have a duty to co-operate fully with any investigation.

Safety Representatives should be invited to participate in accident investigations.

**LEVELS AND TYPES OF INVESTIGATIONS**

The type of investigation required is dependent on either the severity or potential severity of the accident. These can range from; local questioning of a witness and injured person, management and entry on our accident/incident forms, to an investigation by the police or a specialist investigation team. Table 1 overleaf indicates the type of investigation required for various accidents.

Schools within SRET should continue to follow the Wiltshire Council flow chart with regard to reporting accidents. (Page 4)

**Accidents & Incidents**

**Is an Accident or Incident Reportable?**

Notify parents in line with School policy

Did injury result in more than 7 days absence from normal duties of an employee?

No

Further

Action

Notify the HSE on[F2508IE](https://extranet.hse.gov.uk/lfserver/external/F2508IE)

within 15 days

**Yes**

**No**

Also

* Notify parents if pupil/student is the injured party
* Notify employer if contractor is the injured party

If a minor incident of pupil violence, aggression or abuse, record locally and stop.

If any other event, continue down this flow chart

Record details on the appropriate E-Form and submit to the local authority’s H&S Service.

Did the incident lead to:

1. a fatality
2. a major injury to an employee
3. a pupil or non-employee being taken directly to hospital

RECORD LOCALLY-

do not use the e-form to notify local authority

Ring HSE

Immediately on

0845 300 9923

Notify the OH & S Service at County Hall by telephone on

01225 713567 if HSE is to attend

**Yes**

**No**

**No**

What is an accident/incident?

A situation where somebody was or could have been, either hurt or otherwise distressed arising out of the work activities of the school

Is the person who was, or could have been affected, a SRET employee?

**REPORTABLE**

Is the incident attributable in part to any of:

1. the condition of any school premises?
2. the use or condition of any school plant, equipment or materials?
3. the way in which the situation was organised or supervised by school employees?

**Yes**

**Yes**

**No**

**Table 1**

|  |  |  |  |
| --- | --- | --- | --- |
| **NATURE OF ACCIDENT / INCIDENT** | **KIND OF INVESTIGATION** | **CARRIED OUT BY** | **REPORTING LEVEL** |
| **No Harm**e.g. near misses or incidents that result in no lost time. | Entry on to our near miss / incident / unsafe practice report form. | Manager or locally appointed person and person reporting the near miss / incident. On request safety representatives. | Records to be reviewed by Health and Safety Committee. Feedback to be given to person reporting incident. |
| **Trivial**e.g. injuries causing less than one hour of lost time. | Local Accident Book entry and entry on to our accident report form | Manager or locally appointed person and injured party. On request safety representatives. | Records to be reviewed by Health and Safety Committee. |
| **Slight**e.g. injuries resulting more than one hour but less than 3 days lost time or accidents causing minor damage to equipment/materials | Local Accident Book entry and/ or entry on to our accident report form | Manager or locally appointed person and injured party. On request safety representatives. | Records to be reviewed by Health and Safety Committee.  |
| **Serious**A broad category between Minorand Major, e.g.:1) 3 or more days lost time, requiring medical treatment but not admission to hospital2) Failure or corruption of safety measure or procedure (e.g. broken or damaged device)3) Localised spillage or leak of pollutant e.g. short-term damage to flora and fauna. | Formal – level 1Local Accident Book Entry and entry on our accident report formCompletion of our accident investigation form. | Manager and on request safety representatives. | Our records and reports to be reviewed by Health and Safety Committee. Summary findings to be produced. |
| **Major**1) Victim requiring hospital treatment or several serious injuries.2) Damage to system, facility, failure of safety measure or procedure.3) Large release of pollutant, causing breach of environmental protection regulations. | Formal – level 2Group Accident Book Entry and entry on our accident report formCompletion of our accident investigation form.Safety or Environmental enforcement Department may choose to investigate | Head Teacher | Records to be reviewed by Chair Of Governors. Formal written report of findings to Insurance Company |
| **Critical**1) A fatality or severe injuries resulting in long-term illness or disability.2) Total loss of system or facility.3) Major release of controlled substance/pollutant, causing breach of environmental protection regulations. | Formal – level 2Group Accident Book Entry and entry on to our accident report form.Completion of our accident investigation form.External agencies, e.g. Police Investigation Coroners Report Safety enforcement department Investigation, HSC or Environment Agency Enforcement Officers | Person Appointed by Committee assisted by line manager and SpecialistInvestigation Team. | Records to be reviewed by Chair Of Directors and Health and Safety Committee.Formal report to Insurers |

**INVESTIGATION PROCESS**

Staff investigating any accident or incident will be given full access to the scene of the incident/accident and any other part of the premises deemed necessary to carry out the investigation. All necessary information will be collected and collated. Physical evidence may be recorded and samples taken as necessary.

Investigating staff will be given access to any necessary documentation and will act in accordance with any requirements of the Data Protection Laws. Interviews of those involved in the accident or incident, witnesses and any other person necessary will be carried out in accordance with the training and guidelines issued.

Any material evidence that may be called upon by those investigating should be made safe and stored in a secure area.

Those investigating are to assess evidence gathered and analyse the material to determine the events and likely causes that lead to the accident. Findings are to be forwarded as directed in Table 1.

**REMEDIAL ACTION**

SRET will, so far as is reasonably practicable, implement any recommendations made as part of the investigation. In the event of any remedial action taken, staff will be fully involved and provided with the necessary information, instruction and training.

**RECORDS AND REPORTS**

All necessary staff will be issued with an accident report as soon as is reasonably practicable. Employees or their representatives will be given access to any report in so far as it is applicable to do so.

Records of any accident will be kept in accordance with the company’s policy on record keeping.

Any records kept will be done so in accordance with the Data Protection Laws and all subordinate legislation, with reference to the European Directive, Data Protection Act 1998.

**THE INVESTIGATION**

If it is determined that the investigation is to be carried out locally (see Table 1) an Investigating Officer (IO) should be appointed. The Investigating Officer should immediately start the investigation and:

Interview witnesses, including injured persons when available. These initial interviews should be informal fact finding sessions. The IO should take notes and advise the witnesses that they may be asked to make a statement.

Examine the scene of the accident and record details of equipment, positions, environment and weather conditions as relevant. Any material evidence that may be called upon by the enforcing authority or may be required by a court involving a civil case should be made safe and stored in a secure area, if this is not possible photographic evidence must be gathered together with a statement by an expert describing what the hazard was.

Assess evidence gathered and analyse the material to determine the events and likely causes that lead to the accident.

When it has been indicated necessary, complete the SRET accident investigation form and in the most serious incidents present findings to the Chair Of Trustees in the form of a written report.

**SPECIALISTS**

Specialist staff should be invited to assist line managers, heads of department in accident investigations, where considered appropriate, i.e. electrical faults, lifting equipment, pressure systems etc.

**COMPETENCIES**

Relevant staff should be trained in basic accident investigation techniques and have a sound understanding of departmental and local procedures.

Competence will normally be gained by attending an IOSH Managing Safely course, which has an accident investigation module.

**ADVICE**

If there is any doubt or concern on the application of the principles set out in this policy advice should be sought from a competent person.

**DISCLOSURE OF INFORMATION**

In civil action claims the courts have developed fast track procedures so that claims can be settled promptly either prior to a trail or early in the trail. The fast tract procedures create a duty on parties to disclose documents. Strict timetables have to be followed for exchanging documents and replying to queries.

The purpose of the fast track procedures is to reduce costs, time and prevent tactical procedures.

Following an accident to any person on our sites it is possible that the injured party may seek compensation through the courts. The claim could be pursued at any time within a 3 years period following the accident. In special circumstances the claim may be raised many years later.

It is therefore very important that following an accident a judgment is made as to whether it is likely a claim would be pursued. If there is the slightest chance of a claim being sought

Following each accident that could result in a claim the line manager or head of department is to put together a file containing the documents listed below. On completion the file is to be marked confidential and sent to the Head Teacher.

If the injured party or their solicitors request disclosure of the information in writing and confirms they are contemplating legal proceedings in respect of the particular incident, then the establishment should direct the party requesting the information to the Head Teacher. Under no circumstances should any information be directly released by a manager or his/her staff to anyone inside our company not authorised by the SRET or to any external person/organisation as it may be necessary to formally request persons who gave the information to obtain consent before disclosure may take place. The RPA will also need to be informed who act as our Insurer.

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| Policy Reviewed: | May 2021 |
| Next Review: | Sept 2023 |
| Signature of Chair of Trustees: | Signature of Executive Principal |

**ANNEX A**

**ACCIDENT AND INVESTIGATION AIDE MEMOIR FOR INVESTIGATIONS**

**GENERAL**

Date of Accident: Time of Accident:

**DETAILS OF ACCIDENT/INCIDENT**

Accident location: Accident details (events leading up to accident, initial response etc.):

Sketches: Photographs: Weather conditions:

Details of equipment being used (manufacturer, serial numbers, dimensions, loads being lifted, test dates):

Details of hazardous materials involved, including form, quantity and nature of use:

Personal Protective Equipment (PPE) and other control measures used at time of accident:

Vehicles involved (make, model and registrations):

**INJURED PERSON DETAILS**

Name(s): Personnel Status (Employee, Contractor, Public etc.):

Pay Number:

Contact Address: Contact Telephone Number:

Line Managers Name (or in the case of a contractor the employers name):

Injuries (type of injury – laceration fracture etc., position Left/Right, part of body etc.):

First Aid Administered, hospital admission (what and by whom):

Details of Others Present (witnesses, attendees)

Name(s) and details (including contact numbers):

Attendance by emergency services (and details of action taken):

**DOCUMENTATION**

Risk Assessments (reference number, date etc.):

Material Safety Data Sheets:

Method Statements/Written Safe Systems of Work:

Training records:

Safety policies/directives:

Inspection records:

Maintenance records:

Witness Statements

**ANNXE B**

**ACCIDENT AND INVESTIGATION INJURED PERSONS WITNESS STATEMENT**

Personal Details: *(Please Print)*

Surname: ………………………………... Forenames: ………………………………..

Pay Number:………………….

Personnel Status:

Employee/Trainee/Young Person/Pregnant/Contractor/Visitor/Member of the Public

Date of accident/incident:

Time of accident:

Location of accident:

Statement of events:

Declaration: I confirm that the above information is correct to the best of my knowledge and recollection of events.

Signature: ……………………………………………………… Date: ……………………………

Telephone Number: ……………………………………………

**ANNEX C**

**ACCIDENT AND INVESTIGATION GUIDANCE ON INVESTIGATION REPORT FORMAT**

**General**

A suggested format for an investigation report is given below. The length and detail contained within a report will depend on the severity of the incident.

**The Event**

• A description of the circumstances, including the place, time of day and conditions.

• Details of any injured person, including age, sex, experience, training etc.

• Details of the event including:

* Any actions, which led directly to the event.
* The direct causes of any injuries, ill health or other loss.
* The immediate causes of the event.
* The underlying causes – e.g. failures in workplace precautions, risk control systems or management arrangements.

• Details of the outcomes, including in particular:

* The nature of the outcome – e.g. injuries, or ill health to employees or other persons working on site; damage to property, process disruption; emissions to the environment; creation of hazards.
* The severity of the harm caused, including injuries, ill health and losses.
* The immediate management response to the situation and its adequacy.
* Whether the event was preventable and if so how.

**The Potential Consequences**

**Conclusions**

Recommendations

• Detail the actions required to prevent a recurrence with responsibilities and targets for completion.

**Annex(es)**

• Witness Statements.

• Photographs and diagrams.

• Copy of the basic investigation report or accident report form.

**ANNEX D**

**ACCIDENTS – DISCLOSURE OF INFORMATION**

The following documents are required to defend claims. The School Business Manager together with the Head Teacher or Deputy and if appropriate HR Manager are to assemble these documents if there is any likelihood a claim will be raised by an injured person.

**Section A - Policy and Procedures**

Accident book entry

First aider report

Surgery record – if obtainable.

Line Managers accident report.

Safety Representatives accident report.

Notification to enforcement authorities – if appropriate.

Other communications between ourselves and enforcement authorities – if any exists.

Minutes of health and safety committee meetings, where accident matter considered.

Documents listed above; relative to any previous accident matter identified by the claimant and relied upon as proof of negligence.

Earnings information where we are the employer.

**Section B - Management Arrangements**

Pre-accident risk assessment

Post-accident re-assessment

Accident investigation report

Health surveillance records in appropriate cases

Information provided to employees

Documents relating to employees health and safety training

**Sections C - Workplace and Welfare**

Repair and maintenance records

Housekeeping records

Slips and trips checklist

Hazard warning signs or notices

**Section D - Manual Handling (For Strain Injuries)**

Manual handling risk assessments

Reassessment carried out a post-accident

Documents showing the information provided to employees to give general indications related to the load and precise indications on the weight of the load and the heaviest side of the load if the centre of gravity was not positioned centrally

Document relating to training in respect of manual.