

ACCIDENTS & NEAR MISSES

Even when all reasonable precautions are taken, accidents can happen in the workplace.

When they happen, what your business does next is important. This can have an impact whether or not a regulatory investigation is taken to prosecution.

The following steps are a guide for how you can handle accidents and near misses in the work environment for your business:

- Deal with any injury and matters of immediate safety
- Recording
- Reporting
- Investigation
- Managing Investigation(s) by HSE

DEAL WITH ANY INJURY AND MATTERS OF IMMEDIATE SAFETY

Where possible, ie: if you have the correct first aid materials and are trained to do so, ensure all affected people are treated as soon as possible. Ensure the area in which the accident / incident has taken place is immediately made safe. If necessary, call for the emergency services.

Once the immediate issues have been addressed, preparation for a potential investigation should take place.

Any incident must be learned from and any steps able to be taken must be to ensure that a recurrence of the same incident does not take place.

RECORDING

If your business employs more than 10 people then you must legally keep an accident book. If you have less than 10 employees, we still highly recommend that you keep an accident book to record any incidents that happen and use this to inform decisions about how your workplace is run. Insurers may also request this, regardless of business size.

There is not a legal requirement to use a specific accident reporting book, however, the HSE do sell their own version and this will help you to comply with the relevant regulations and laws relating to The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

This can be purchased here: <https://www.hse.gov.uk/pubns/books/accident-book.htm>

REPORTING

RIDDOR requires employers, as well as self-employed people and those in charge of work premises (usually known as the 'Responsible Person') to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (which are often referred to as 'near misses').

Further information on this can be found in our [Accident Reporting guide](#).

INVESTIGATION

Your accident book should be used to record a summary of every accident that takes place within your workplace / work environment.

It is possible however that further investigation into an accident or incident will need to be undertaken. This could include:

- taking statements from any witnesses or victims
- assessment of the area where the incident took place
- inspection of any equipment or materials being used

The aim of any such investigation should firstly be to identify the cause of the accident or incident that took place. Secondly, this information should be used to learn from the circumstances that led to the accident / incident taking place and thirdly, using this information to inform decisions regarding the development or amending of any control measures that could assist in reducing or eradicating the potential for this type of accident happening again.

MANAGING INVESTIGATION(S) BY HSE

The HSE may inspect an accident or incident.

They can issue improvement or prohibition notices that require a business / employer to make specific improvements or in some cases, stop certain work. In some more serious cases or if enforcement notices have not been complied with, they can prosecute.

It is therefore crucial that you know how to approach an investigation.

Seek Legal Advice

If you are aware that an investigation is pending or an inspector contacts you, we would advise that you seek legal advice as soon as you can. Ensuring that you receive the right advice at the earliest stages of an investigation can be crucial in helping you avoid prosecution.

Review Your Health And Safety Documentation

A review of your Health and Safety documentation should be done regularly, and any accident or incident should be the impetus for reviewing it again, regardless of how recent your last review was.

These should be available to you in the event that you become subject to an investigation by the HSE (or other local authority).

This should include a review of any relevant risk assessments, with the documents being dated to show your due diligence both as a business in general (ie: regular reviews) as well as following any incidents.

Understand The Powers Of The Inspectors

Inspectors have the following powers:

- To enter any premises that they think it is necessary to for the purposes of enforcing the Health and Safety at Work Act 1974 (and any other similar / supporting legislation).
- If they believe a situation to be dangerous, inspectors can enter a workplace at any time to conduct their investigation. However, usually they would only be allowed to enter at reasonable times.
- If an investigator has reason to believe that entrance will be obstructed they are able to bring a police officer with them to assist in gaining entry.
- They may order that areas be left undisturbed, as well as take measurements, photographs, video, etc. They also have the power to take samples or carry out tests on any articles or substances which they suspect to have caused danger. All of this must be complied with.
- To order the viewing of any relevant documents, to inspect and make copies.
- Compel employees to answer questions and sign a declaration of truth.
- To request provision of facilities and assistance be provided.
- To seize, make harmless (by destruction if necessary) any article or substance they have reason to believe may present an imminent danger or risk of serious personal injury.

Accidents or near-misses can happen in any circumstances.

How you deal with them can make all the difference to a regulator and to your safety in the future.

USEFUL LINKS

- HSE Report Book: <https://www.hse.gov.uk/pubns/books/accident-book.htm>

Save trees, save paper. Please consider the environment before printing this document.