

Health & Safety Guidance Children's Services Department

ACCIDENT / ASSAULT **REPORTING**

Review Date	Changes Required	Name & Position
26/07/2023	None	S. Kavanagh, Headteacher

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Accident Reporting Procedures

Introduction

The reporting of specified accidents, dangerous occurrences and ill health at work to the Health and Safety Executive is a legal requirement. These procedures have been developed to allow Children's Services Department and its establishments to comply with the legal requirements.

Correctly recorded accidents are also important where a claim is made against the Authority at a later date. They also allow the department and individual sites to monitor accident trends and take appropriate action as necessary.

Due to the large diverse nature of the department in order to ensure that accidents are reported within the legal timeframe and accurately, it is the responsibility of managers and head teachers to ensure that they have a suitable system in place to report accidents in line with this guidance.

Immediate Action

In the event of an accident or dangerous occurrence, the following actions should be taken:

- ensure you are in a position of safety;
- ensure the situation is controlled so that anyone summoned to attend to any injured persons is not put in a position of danger, eg isolate equipment if appropriate;
- summon appropriate aid to deal with any injuries, eg first aider, doctor, emergency services;
- control the situation in order to prevent further injury (eg fence off area if appropriate);
- follow appropriate "What to do Guide" to ensure incident is properly recorded/reported and within specified timescales.
- Carry out accident investigation in line with Accident Investigation Guidance.

Who Should Make the Report

The online accident report should be filled in by the Headteacher/Manager or a **responsible nominated member of staff**, who should ensure that the online accident report forms are properly completed and that the various categories of accident below are reported in line with this guidance. This person must be fully aware of this guidance and have received training where necessary.

It is the responsibility of the Manager/Headteacher to ensure that the reporting procedures are complied with.

If an accident occurs away from the school/setting during an organised activity (e.g. on a visit or work related learning), the accident must be recorded. The group leader / responsible person must inform the person in charge of the establishment of the accident and ensure the accident is reported in line with the relevant procedure, either on their return or immediately. The responsibility for reporting accidents of this type still rests with the school/setting. If the injured person cannot inform their manager of an injury, then the person in charge of the place where the accident occurred must do so. These injuries must be reported in line with the guidance below and the “what to do” guides.

NB Pupils/young people under 18 years of age who have an accident are not required to sign the section marked for the signature of the injured person.

If an employee or adult non-employee is injured they should be asked to sign the box for the signature of the injured person. (If however, the person is not available to sign the report form and the accident is reportable it should be reported and a signature obtained at a later date).

Categories of Accident

Accidents/incidents which occur in Children's Services settings to staff or pupils, service users and others fall into 2 categories REPORTABLE and NON REPORTABLE and within these categories are various types of accidents/incidents.

Reportable Accidents/Incidents

Reportable accidents/incidents are those which by law require reporting to the enforcing authorities. Failure to report these accidents is a criminal offence. The accidents/incidents which fall into this category are:

- Fatality
- Specified injuries to workers
- Accident to a non-employee resulting in direct hospitalisation
- Accident to an employee resulting in the person losing more than 7 days from work
- Dangerous Occurrence
- Subsequent death of an employee

Further definitions of each of these accident types is given in the next section which will help staff decide if an accident/incident is reportable. Details of who each of these types of accidents / incidents need to be reported to are contained in the 'what to do guides' for each accident type later in this document.

Non Reportable Accidents

These are accidents which do not require reporting to the enforcing authorities and include:

- Minor (less than 8 days lost) accidents to employees
- Non reportable accidents to non-employees
- Accident to a contractor
- Near miss incidents

These accidents will still need to be recorded and if they involve employees, reported to the local authority. Details of how these are to be recorded and where necessary recorded are given in the 'what to do guide'.

Definitions of each Accident Type

The following definitions categorise accident types in line with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations. You should identify which category an injury or incident fits into from the following definitions and then follow the relevant “what to do” guide to ensure you report it accordingly.

Reportable to HSE Accidents/Incidents:

Fatality applies to employees and non-employees

The death of a person whether or not they are at work resulting from an accident arising out of or in connection with work.

Specified Injuries to Workers

Where any of the following result from an accident to an employee arising out of or in connection with work, it is classed as a specified injury:-

- Any fracture (including breaks, cracks or chips) of a bone, other than to fingers, thumb or toes; when diagnosed or confirmed by a doctor.
- Amputation of an arm, hand, finger, thumb, leg, foot or toe.
- Any injury likely to lead to permanent loss of sight or reduction in sight in one or both eyes; when diagnosed by a doctor that the effects are likely to be permanent.
- Any crush injury to the head or torso, causing damage to the brain or internal organs.
- Any burn injury (including scalding) which covers more than 10% of the whole body’s total surface area or causes significant damage to the eyes, respiratory system or other vital organs irrespective of the nature of the agent causing the burn.
- Any degree of scalping requiring hospital treatment.
- Any loss of consciousness caused by head injury or asphyxia.
- Any other injury arising from working in an enclosed space which leads to hypothermia or heat induced illness or requires resuscitation or admittance to hospital for more than 24 hours.

Accident to Non-Employees Resulting in Them Being Taken Directly to Hospital

Applies to pupils/service users parents/carers, visitors, volunteer helpers, etc

Any injury to a person not at work falls under this category if it:

- results from an accident arising out of or in connection with work; and
- results in them being taken from the premises where the accident occurred to a hospital, by whatever means (for example, by taxi, private car or ambulance) **for treatment** in respect of that injury.

If the accident results in them being taken to hospital, it will be reportable to the Health and Safety Executive if it results from one of the following:-

Work Organisation (by an employee, this will include such things as organised lessons or activities, school visits, contact visits, organised sessions).^{*1}

Plant (machinery and equipment which is part of the establishment or is used by the staff and non employee)

A Substance (e.g. cleaning materials, chemicals used in experiments, gases, dust, vapour, paints, etc)

The Condition of the Premises (eg holes in playground, pathways condition of floor surface, tripping/slipping hazards, glazing)

NB A large number of school accidents, ie those that occur at playtime will therefore not be reportable unless they are directly attributable on one of the above factors.

*

¹ Accidents in PE, Sports Days AND School Visits which could be deemed to be as a result of the natural consequences of taking part in the activity are not reportable. The only accidents in Sports and similar activities that are reportable are where the accident has resulted from the condition of the area, the failure of equipment or poor supervision (due to numbers or competence).

Dangerous Occurrence

There are certain dangerous occurrences that are listed as reportable to the Health and Safety Executive. If an injury occurs due to the dangerous occurrence which is in its own right reportable then the dangerous occurrence should not be reported separately. If, however, a dangerous occurrence occurs but there is no reportable injury due to it, then the dangerous occurrence should be reported in its own right.

The following is an abridged list of dangerous occurrences giving only those which could occur or impact on a school/education establishment. If an accident occurs which is not on this list and you are unsure whether or not it is a dangerous occurrence, please contact your Area Health and Safety Consultant. The list is as follows:

- **Lifting Machinery**
Collapse, overturning or failure of load-bearing parts of lifts and lifting equipment.
- **Pressure Systems**
The failure of any closed vessel (including boiler or boiler tube, autoclave, pressure cooker, steam engine) or of any associated pipework in which the internal pressure was above or below atmospheric pressure, where the failure has potential to cause the death of any person.
- **Overhead Electric Lines**
Plant or equipment unintentionally coming into contact with un-insulated overhead electric lines or coming into close proximity with overhead electric lines causing an electrical discharge
- **Electrical Short Circuit**
Electrical short circuit or overload attended by fire or explosion which either causes a stoppage of plant for more than 24 hours or has the potential to cause the death of any person.
- **Biological Agents**
Any accident or incident which resulted or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness.
- **Collapse of Scaffolding**
The complete or partial collapse of a scaffold more than 5 metres high or erected over or adjacent to water where there would be a risk of a person drowning following a fall.
- **Collapse of Building or Structure**
Unintended collapse or partial collapse of:

~ any building or structure (whether above or below ground) under construction, reconstruction, alteration or demolition which involves a fall of more than 5 tonnes of material;

~ any floor or wall of any building (whether above or below ground) used as a place or work; or

~ any false work.

- **Explosion or Fire**

An explosion or fire in any plant or premises due to the ignition of any material which results in the stoppage of plant or suspension of normal work in the premises for more than 24 hours.

- **Escape of Flammable Substances**

The sudden uncontrolled release:

~ inside a building:

- of 100 kg or more of a flammable liquid;
- of 10 kg or more of a flammable liquid at a temperature above its normal boiling rate; or
- of 10 kg or more of a flammable gas.

~ in the open air, of 500 kg or more of any of the above substances.

- **Escape of Substances**

The accidental release or escape of any substance in a quantity sufficient to cause the death, major injury or any other damage to the health of any person.

Over 7 Day Reportable Injury ~ applies to employees only

This category applies if an employee is injured as a result of an accident at work, the injury not being a specified major injury but results in the employee being away from their normal work for more than 7 consecutive days.

The expression “more than 7 consecutive days” is calculated as follows. The day of the accident should not be counted but days which would normally not be work days, such as weekends, rest days or holidays should.

Therefore any accident which results in the member of staff being away from work for 8 days or more falls into this category.

Subsequent Death of An Employee

The requirement to report a fatality will, in practice, apply to any death which occurs at the time of the accident or shortly after the accident (eg within a few days).

There is also, however, a requirement to report to the Health and Safety Executive if an employee dies after some delay as a result of suffering at work an injury which is

initially reportable as a major injury or over 7 day injury. If the person dies within 1 year of the date of the original accident, then the Health and Safety Executive must be notified in writing (whether or not the original accident was reported).

Non Reportable to HSE Accidents/Incidents

Minor Employee Accident ~ applies to employees only

This is any accident to an employee where 7 days or less are lost from work including no-time lost accidents.

Minor Accident to a Non-Employee ~ applies to pupils, clients, parents, visitors, volunteer helpers, etc

This is an accident to a non-employee which does not result in the injured person being taken directly to hospital, or where they are taken to hospital but it is not a reportable accident as it falls outside the criteria for reporting.

Accident to a Contractor ~ applies to contractors working at a school setting.

It is the responsibility of the contractor to ensure that if they have an accident it is appropriately reported. Headteachers/Centre Managers may wish to confirm that if a contractor has an accident which is reportable to the Health and Safety Executive that this has been done.

NB If a contractor has an accident at the school/setting while travelling to/from their area of work at the start and end of the day and this is due to the condition of the premises, then it is the responsibility of the head of the establishment to report this as if the contractor were a visitor. If the contractor is taken directly to hospital from the site, then this will be reportable to the Health and Safety Executive.

Near Miss Incident

These are incidents that are unplanned/uncontrolled but which do not result in injury or damage but which have the potential to do so. An example may be someone trips over a raised paving slab but is not injured. These should be reported and recorded so that unsafe conditions can be rectified before they result in a more serious accident.

Voluntary Aided, Foundation and Academy Schools

In Voluntary Aided and Foundation Schools and Academies, the employer is the Governing Body or Academy trust, not the LA. There is therefore no requirement for these categories of schools to report accidents to the LA. Accidents should be reported to the Governing Body where the guidance states "report to the LA" and all reportable accidents must still be reported to the Health and Safety Executive.

Voluntary Aided and Foundation Schools and Academies who purchase the LA's Health and Safety package can, if they choose, continue to report accidents to the LA, particularly if they require help with the accident investigation. This will also help the LA's Health and Safety Section to identify accident trends and help with developing accident prevention strategies.

Reportable Diseases

The regulations require that cases of certain diagnosed reportable diseases which are linked with occupational exposure to specified hazards are reported. The reportable diseases and associated hazards are set out below.

- **Carpal Tunnel Syndrome:** where the person's work involves regular use of percussive or vibrating tools
- **Cramp of the hand or forearm:** where the person's work involves prolonged periods of repetitive movement of the fingers, hand or arm
- **Occupational dermatitis:** where the person's work involves significant or regular exposure to a known skin sensitiser or irritant
- **Hand Arm Vibration Syndrome:** where the person's work involves regular use of percussive or vibrating tools, or holding materials subject to percussive processes, or processes causing vibration
- **Occupational asthma:** where the person's work involves significant or regular exposure to a known respiratory sensitiser
- **Tendonitis or tenosynovitis:** in the hand or forearm, where the person's work is physically demanding and involves frequent, repetitive movements

Occupational Cancers

Cases of cancer must be reported where there is an established causal link between the type of cancer diagnosed, and the hazards to which the person has been exposed through work. These hazards include all known human carcinogens and mutagens, including ionising radiation.

For example, the following diagnosed occupational cancers must be reported:

- mesothelioma or lung cancer in a person who is occupationally exposed to asbestos fibres
- cancer of the nasal cavity or sinuses in a person who is occupationally exposed to wood dust

Reports are only required when the person's work significantly increases the risk of developing the cancer. In some cases, the medical practitioner may indicate the significance of any work-related factors when communicating their diagnosis.

Cases of cancer are not reportable when they are not linked with work-related exposures to carcinogens or mutagens. As with other diseases, cancers are only reportable if the person's current job involves exposure to the relevant hazard.

What to Do Guides

Fatality ~ What to Do

- 1 Immediately telephone ~
 - a) Police
 - b) Health & Safety Executive on 0845 300 9923
 - c) Derbyshire LA Health & Safety Section, County Hall on 01629 536525
- 2 Obtain names and addresses of any witnesses and, if possible, take initial statements from them as soon as possible.
- 3 If directed, leave scene of accident untouched (this may be a request made by the Health and Safety Executive).
- 4 Inform Health and Safety representative or Trade Union on same day.
- 5 Submit the DCC online accident report form immediately
- 6 The Children's Services Health and Safety Section will verify the form, submit a report to the HSE and return a copy of the verified form to you.
- 7 Retain a copy of the verified form on site.

Specified Injury to a worker ~ What to Do

- 1 Immediately telephone ~
 - a) Health & Safety Executive on 0845 300 9923
 - b) Derbyshire LA Health & Safety Section, Matlock on 01629 536525
- 2 Obtain names and address of any witnesses and, if possible, take initial statements from them as soon as possible.
- 3 If directed, leave scene of accident untouched (this may be a request made by the Health and Safety Executive).
- 4 Inform Health and Safety representative or Trade Union.
- 5 Submit the DCC online accident report form immediately
- 6 The Children's Services Health and Safety Section will verify the form, submit a report to the HSE and return a copy of the verified form to you.
- 7 Retain a copy of the verified form on site.

Accident to Non-Employee Resulting In Hospitalisation ~ What to Do

- 1 If the accident is significant and you require support from the Health & Safety Section telephone 01629 536525
- 2 Obtain name and address of any witnesses and if possible take initial statements from them.
- 3 Record details and take photographs of accident scene in line with Accident Investigation guidelines.
- 4 Submit the DCC online accident report form immediately
- 5 The Children's Services Health and Safety Section will verify the form, submit a report to the HSE and return a copy of the verified form to you.
- 6 Retain a copy of the verified form on site.

Dangerous Occurrence ~ What to Do

- 1 As soon as practicable submit the DCC online accident report form
- 2 The Children's Services Health and Safety Section will verify the form, submit a report to the HSE and return a copy of the verified form to you.
- 3 Retain a copy of the above form on site.
- 4 If the accident is significant and you require support from the Health & Safety Section telephone 01629 536525
- 5 Obtain name and address of any witnesses and if possible take initial statements from them.
- 6 Record details and take photographs of accident scene in line with Accident Investigation guidelines.
- 7 Retain a copy of the verified form on site

Over 7 Day Reportable Accident ~ What to Do

When it is known that length of absence is 8 days or more.

- 1 Complete the DCC online Report Form
- 2 The Children's Services Health and Safety Section will verify the form, submit a report to the HSE and return a copy of the verified form to you.
- 3 Retain a copy of the verified form on site.

“Minor” Employee Accident ~ What to Do

- 1 Complete the DCC Online Report Form
- 2 The Children’s Services Health and Safety Section will verify the form and return a copy of the verified form to you.
- 3 Retain a copy of the verified form on site.

Reportable Diseases

Cases of occupational disease, including those associated with exposure to carcinogens, mutagens or biological agents, should be reported as soon as the responsible person receives a diagnosis, using the appropriate online form.

“Minor” Accidents to Non-Employees ~ What to Do

- 1 Record details of the accident/near miss. It is important that appropriate details are recorded. A form which you may wish to use is attached at Appendix 2 although schools and settings are free to use their own “accident book” and near miss log as long as similar details are recorded.
- 2 Keep copies of the records on site.
- 3 Periodically (eg termly or half-termly) examine Minor Accident and/or Near Miss Reports Form to establish any trends in accident type/site. If trends are established, appropriate action should be taken. This can be discussed with your Area Health and Safety Consultant if necessary.

Accident to Contractor ~ What to Do

Monitor that the contract’s employer has reported the accident appropriately, particularly if it is reportable to the Health and Safety Executive.

Assault to Staff ~ What to Do

Complete the online assault report form as soon as possible after the incident and submit to departmental health and safety section.

Special schools should continue to operate the current system in use for multiple assaults, with the initial assault being reported using the on line form

Subsequent Death of an Employee ~ What to Do

(WITHIN 1 YEAR OF MAJOR OR OVER 7 DAY INJURY ACCIDENTS)

- 1 Call the Incident Contact Centre on 0845 300 9923
- 2 Submit the DCC online report form as soon as possible
- 3 The Children's Services Health and Safety Section will verify the form, submit a report to the HSE and return a copy of the verified form to you.
- 4 You should print off

Data Protection

All accidents that were reported using the Derbyshire County Council accident report form (revised March 2012), i.e. all staff incidents and reportable accidents to pupils, should now be reported using the online form. Once verified, a copy of the form will be returned to you via the secure portal for you to print off and store on the person's personal file.

Recording of accidents to pupils/young people and non-employees which would traditionally have been recorded in an 'accident book' is the area where there is a possibility of falling foul of data protection legislation. The problem is that these records contain personal information which could be seen by other people. As the vast majority of these accidents occur to pupils and young people and the accident will be recorded by a member of the school staff it is suggested that the accident report form at Appendix 2 or your existing school/education establishment's accident book should only be completed by a person(s) specifically nominated to carry out this role. The form or book should be kept securely so that other people do not have access to it. Once each form/book is complete, again it should be securely filed away (in larger schools you may wish to have a number of nominated persons, this is fine as long as it is only the nominated persons who complete the form/book).

If details of one of the accidents recorded in this way are required for any purpose, e.g. a claim, then details of all the other accidents on the copy should be blanked out. Again, any copies sent should be marked 'confidential'.

Accident Reporting

Appendices

- Appendix 1 What to do Guide at a Glance Guidance Table
- Appendix 2 Form for Recording Minor Non-Employee Accidents
- Appendix 3 Record Keeping/Action if a Claim is Received

DERBYSHIRE COUNTY COUNCIL – CHILDREN’S SERVICES										
ACCIDENT REPORTING PROCEDURE GUIDANCE TABLE										
	Fatal Injury	Specified Injury	Non-Employee Immediate Hospitalisation	Dangerous Occurrence	Employee Over 7 Day Injury	Employee Minor Injury	Non-Employee Minor Injury	Accident to Contractor	Reportable Disease	Employee Subsequent Death within 1 Year
Telephone Derbyshire LA Health and Safety Section, County Hall immediately	✓	✓	✓	✓					✓ (Once diagnosis received)	
Telephone Police immediately	✓									
Telephone HSE immediately	✓	✓		✓						
Obtain witness statements	✓	✓	✓	✓						
Inform Health and Safety representative or Trade Union Office on same day	✓	✓		✓						
Complete online Accident Report Form soon as possible and without exception within 5 days	✓	✓	✓	✓	✓				✓ Once diagnosis received)	✓ With note stating subsequent death
Retain copy of verified online report form on site	✓	✓	✓	✓	✓	✓				✓ With note stating subsequent death
Complete Non-Employee Minor Accident Form and retain on site and periodically examine for any trends							✓			
Monitor contractor’s employee has reported accident appropriately								✓		

DERBYSHIRE COUNTY COUNCIL – CHILDREN’S SERVICES
NON-EMPLOYEE ACCIDENT REPORT FORM FOR NON REPORTABLE ACCIDENTS

Name of Establishment:.....

Name of Injured Person	Status, eg pupil, visitor	Date of Accident	Time of Accident	Location of Accident	Nature & Site of Injury	Treatment Given	Witnesses Names (anyone who actually saw the accident)	Brief Description of Accident

PLEASE PHOTOCOPY THIS BLANK FORM AS REQUIRED

Record Keeping

Accident reports should be kept as follows:

Online/DCC Accident Report Forms

Pupils	~	for a period equivalent to 3 years, after those pupils become 18 years of age
Visitors/Other Non-Employees	~	for a minimum of 7 years
Staff	~	for a minimum of 7 years

Any other documentation relating to an accident, eg Doctor's notes, witness statements, procedures, etc should also be kept available in case they are required as evidence should there be a subsequent prosecution/claim.

Accident on Receipt of a Subsequent Claim

In the event that any communication regarding an accident or civil claim is received from a representative of an injured person, Legal Services Department at County Hall should be informed immediately. The representative should be informed that any communication should be directly with Legal Services.