

REPORTING OF INCIDENTS POLICY

1.0 INTRODUCTION

1.1 This policy describes how ARK Housing Association Ltd (ARK) will fulfil its responsibilities as an employer and as a social care provider in respect of Incident reporting in terms of health and safety legislation and regulation of care legislation. This not only includes recording incidents but also investigating, taking appropriate measures to prevent future occurrences and reporting to the appropriate enforcing authorities as applicable.

1.2 This policy has the following parts and sections:

- Part One** - Policy
- Part Two** - Reporting Procedure
- Part Three** - Forms
- Part Four** - RIDDOR Notification Guide

1.3 This policy has the following sections:

- Section 1 - Introduction
- Section 2 - Scope of Policy
- Section 3 - Legislation
- Section 4 - Definition
- Section 5 - Implementation
- Section 6 - Roles, Responsibilities and Duties
- Section 7 - Procedures
- Section 8 - Implementation and review

1.4 This policy complies with Scottish Housing Regulator Standards of Governance and Financial Management 5.3 and 5.4.

2.0 SCOPE OF POLICY

2.1 This policy applies to all employees of ARK, to the Board of Management and to all people using and/or visiting the workplace in connection with ARK's work. This includes visitors, service users, relief employees, agency employees, volunteers, contractors etc. as appropriate.

3.0 LEGISLATION

3.1 Health and Safety at Work etc Act 1974

This Act imposes a general duty on employers to ensure the health, safety and welfare at work of their employees and the health and safety of other parties. This includes the requirements of health and safety regulations and taking proactive measures to eliminate or minimise risk.

3.2 Management of Health and Safety at Work Regulations 1999

These regulations place a general duty on employers to assess any risk which may occur in connection with their work and to provide suitable precautions to eliminate or reduce this risk. One method of obtaining information is to carry out a suitable and sufficient risk assessment is from incident data.

3.3 Reporting of Incidents, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

These Regulations require certain types of incident, disease, dangerous occurrence and outcomes to be reported to the relevant Health and Safety Enforcing Authority which is either the Health and Safety Executive (HSE) or local Authority Environmental Health Department.

There is a website (<http://www.hse.gov.uk/riddor/index.htm>) through which all RIDDOR incidents are reported and from there they are forwarded to the relevant authority.

There is a time limit for reporting, details are given in Part 2 and Part 4 of this policy.

Some major incidents require to be notified to the HSE by telephone – details are given in 4.3.

Part 2 of this policy contains examples of RIDDORs and a flowchart to aid deciding whether an incident is a RIDDOR.

3.4 Care Inspectorate Reporting Legislation

Certain incidents require also to be reported to the Care Inspectorate under the following legislation:

- The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011;
- The Social Care and Social Work Improvement Scotland (Applications and Registration) Regulations 2011;
- Public Services Reform (Scotland) Act 2010 and its associated regulations.

3.5 Adult Protection

The Adult Support and Protection (Scotland) Act 2007 is the key piece of legislation for adult protection. ARK's policy guidance in relation to this area can be found in our Protection of Adults at Risk Policy ([CS03](#)), including guidance in relation to which incidents require to be reported to relevant external authorities such as Local Authorities.

3.6 **Child Protection**

The Protection of Children (Scotland) Act 2003 is the legislation relating to child protection. ARK's policy guidance in relation to this area can be found in our Child Protection Policy (CS09).

3.7 **Scottish Housing Regulator and Other Legislation**

Any incident involving the Health & Safety Executive or a serious threat to tenant or service user safety will require to be reported to the Scottish Housing Regulator as a 'notifiable event'. Further guidance on notifiable events can be found in [Procedure G30 – Notifiable Incidents](#), which is required for Housing Associations.

For other incidents e.g. HR, finance and housing, please refer to the relevant section of ARK's Policies and Procedures folder on the General Drive.

3.8 **ARK's Exceptions**

Some incidents may also be classed as exceptions as described in [G08 Risk Management Policy](#). These incidents will be reported to ARK's Senior Leadership Team and Audit-Sub-Committee on behalf of the Board of Management in terms of ARK's Exceptions reporting tool.

4.0 **DEFINITION**

Fuller definitions of types of incident are given in Part 2 of this policy.

4.1 **Incident**

An incident is any occurrence or near miss which is unusual, unplanned or unexpected. There are various types of incident including, medication, medication recording, accident, behaviour, theft, finance, police involvement, moving and handling and aggressive behaviour.

4.2 **Accident**

An accident is a type of incident where an injury has, or could have, occurred. This includes minor, major or no injury. For example: a fall where there is no sign of injury is a 'no injury accident.'

Basically, any physical contact with something is an accident e.g. fall to ground, hit by object, hit by person whether deliberate or not i.e. it does NOT relate to the term accidentally.

4.3 **RIDDOR**

A type of incident – as described in the regulations - which has occurred and has to be reported to the health and safety enforcing authority.

The most likely RIDDORs in ARK are:

Over seven day – employees only. If an accident means they will be unable to work, or carry out their normal duties, for over seven days – whether on shift or not.

Specified Injury – employees only. If an accident has resulted in a fracture (except fingers, thumbs or toes), amputation, serious burns including scalding, loss of consciousness caused

by a head injury or asphyxia.

Specified Injury – Service Users. If the incident has resulted in a fracture which has been caused by the failure of ARK then this is a RIDDOR. Note: NOT a RIDDOR if caused by service user's frailty, medical condition or a non work related accident.

Hospital/Medical Care – service users. If the incident (caused by ARK's failure) has resulted in the service user requiring medical attention at hospital then it is a RIDDOR.

Disease – there are certain diseases which if contracted via work activities are reportable to RIDDOR. Examples for ARK are diseases attributed to blood borne viruses and occupational dermatitis.

Part 2 of this policy has examples to be used as guidance in determining whether an incident is RIDDOR reportable or not.

5.0 IMPLEMENTATION

- 5.1 This policy and guidance will be implemented in accordance with ARK's Health and Safety Policy which describes the responsibilities of ARK, Managers and employees. ARK's Health and Safety Manual provides policy information and guidance in other subjects which may support this policy and guidance.
- 5.2 Any breaches of the policy should be reported to your Line Manager. Breaches of this policy will be viewed seriously and will be dealt with in accordance with ARK's [Disciplinary](#) Policy and Procedures. The severity of discipline will reflect the fact that non-compliance breaches not only this policy but also ARK's Health and Safety Policy and the law.
- 5.3 A breach of this policy will include not reporting incidents either on time or not at all.

6.0 ROLES, RESPONSIBILITIES AND DUTIES

Directors and Senior Managers

- 6.1 Directors and Senior Managers should ensure that:
 - this policy is implemented and operated in respect of all areas within their remit;
 - all employees are informed of the requirements of this section of the manual;
 - there are suitable arrangements for employees to comply with the requirements of this section;
 - that required actions are taken within the identified timescale of priority;
 - they are aware of their responsibilities as an employee

Line Managers, e.g. Care and Support Manager/ Registered Operations Managers

- 6.2 Line Managers are responsible for the implementation and operation of this policy in respect of all premises within their remit. Line Managers should ensure that:
 - all employees are informed of the detail of this section of the Health and Safety manual;
 - the requirements of this section of the Health and Safety manual are complied with by

employees;

- any breaches of these requirements are handled in accordance with HR policies;
- any procedures developed for the ease of implementing this policy are followed;
- they are aware of their responsibilities as an employee

Employees

- 6.3 All employees have a responsibility to ensure that they are complying with the health and safety procedures and requirements appropriate to their job. To achieve this employees should:
- advise their line manager as soon as possible after an incident has occurred following the notification procedure as detailed in part 2 of this policy;
 - assist in the development of arrangements to manage the risk associated with any hazards;
 - follow any arrangements developed;
 - advise their Line Manager of any difficulties in following the arrangements

Health and Safety Adviser

- 6.4 The Health and Safety Adviser will collate all the incident statistics on a quarterly basis and prepare Health and Safety reports, and report relevant incidents to RIDDOR as required by ARK.

The Health and Safety Adviser will review incident reports and discuss with line managers any additional precautions which may be required.

Some repeated incidents or major incidents may be investigated by the Health and Safety Adviser to ensure that all necessary actions have been taken and that the re-occurrence of the type of incident is eliminated or reduced.

Part 2 contains the procedures that relate to the above steps.

7.0 PROCEDURES

- 7.1 The Procedures for reporting incidents are given in Part 2 of this policy. This includes reporting to ARK (including exceptions), RIDDOR, Care Inspectorate, Scottish Housing Regulator, Child and Adult Protection.
- 7.2 Investigating incidents and actions to take following incidents are also included in Part 2.

8.0 IMPLEMENTATION AND REVIEW

- 8.1 The Chief Executive is responsible for ensuring that this policy, and the procedures that support it, are followed by all Board of Management Members and employees.
- 8.2 The Chief Executive will ensure that this policy is reviewed at least every three years, and that any amendments required are submitted to the Board of Management for approval.

Approved by the Board of Management: June 2016

Next review due by: June 2019

Complies with: Scottish Housing Regulator Standards of Governance and Financial Management 5.3 and 5.4.

TITLE POLICY – LIST OF RELATED POLICIES & PROCEDURES

Policies

[G08 Risk Management Policy](#)

[CS03 Protection of Adults at Risk](#)

[CS09 Child Protection](#)

Procedures

[HS04 Incident Reporting Parts 2 and 3](#)

[G30 Notifiable Incidents Procedure](#)

[Briefing sheet- HS04 - Incident Reporting](#)