



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

UNTOWARD INCIDENT / ACCIDENT REPORTING

INTERNAL PROCEDURE

Link to reporting form:

<O:\Accident form\180911 Accident-Incident Reporting Form.docx>

Timescales for reporting incidents

Reporting Timescales	
Insignificant	Within 48 hours of the incident occurring*
Minor	Within 48 hours of the incident occurring*
Moderate	Within 48 hours of the incident occurring*
Major	Within 24 hours of incident occurring*
Catastrophic	Within 24 hours of incident occurring*

*or being made aware the incident had occurred

Paper copies of the Accident- Incident Reporting form are available in the Town Council Office in the event of internet failure (Appendix C)

ROLES AND RESPONSIBILITIES: MANAGING & INVESTIGATING INCIDENTS

Immediate action for the Person in Charge:

1. The senior member of staff on duty should ensure that the cause of the incident no longer constitutes an immediate hazard or risk to service users, staff or visitors and that action is taken to protect the welfare of everyone.
2. Where a serious injury has been sustained, the senior member of staff on duty must ensure that medical attention is sought at once.
3. When the situation has been made safe, the senior member of staff on duty should report the incident.
4. Nothing should be removed from the scene until authorisation has been given, unless it constitutes a continuing hazard. It is the responsibility of the senior staff on duty to preserve evidence wherever it is safe to do so.

The responsibility for managing an incident is dependent upon the incident grade.

1. **GREEN**, **YELLOW** and **ORANGE** incidents should be managed at officer level department and the actions taken should be recorded on the Untoward Incident/Accident Form.
2. **RED / CRIMSON** incidents should be managed by a senior member of staff usually the Town Clerk or in their absence the Services & Contracts Manager, as appropriate. The immediate actions taken should be recorded on the Untoward Incident/Accident Form including who has been informed of the incident
3. The Town Clerk is responsible for ensuring that an Incident Management Review (IMR) is completed and the report forwarded to Full Council following the incident.
4. A report should be submitted for all **RED / CRIMSON** incidents.

The person managing the incident will be responsible for:

1. Ensuring that the public, Members and staff etc. are communicated with and records are kept of any discussions or decisions made.
2. Ensuring that the Chairman is informed if the incident
3. Ensuring the Council's external Legal Services, if deemed, appropriate are informed.
4. Ensuring that continuous contemporaneous records are maintained and that these are secure.
5. Ensuring that all evidence is retained intact and in safe keeping for inspection and any faulty equipment is withdrawn from use.
6. Liaising with the police if necessary.
7. Ensuring that those directly affected by the event are informed before the media.
8. Ensuring that any information given to the public or staff is documented.

Witness Statements (See Witness Statement Template appendix D)

1. Statements should be taken immediately for all incidents graded **RED / CRIMSON** and other incidents where there has been actual harm to a service user or member of staff, allegations against service users, staff or others; and safeguarding children or adults' incidents involving staff, unless a senior officer deems it inappropriate for the statement to be taken at that time.
2. For other incidents, where appropriate, statements may be requested and should be completed within 72 hours of the incident. This might include incidents where there is the potential for litigation or criminal investigation, or where it is likely there will be an inquest.
3. If it not practicable to take a statement at that time the member(s) of staff must be asked to provide a signed statement within 72 hours of the incident.
4. A statement should describe the facts in chronological sequence relating to and leading up to the incident where possible.
5. Each statement of fact should be written in a consecutively numbered paragraph.
6. The statement should give a clear account of the witness's own actions and those of others.
7. It should be legible, signed by the person making the statement, dated, timed and in black ink. The name of the witness must also be written in block capitals.
8. The statement must include a declaration of truth.
9. Staff should be given the opportunity to be supported through this process and be accompanied by a friend or representative if they wish. In serious instances staff may themselves be initially in shock.
10. Staff should be given a copy of their statement prior to signing for verification and a copy of the signed version. Staff should be informed that the Witness Statement will likely become an appendix to any investigation report.

Police Involvement

1. Whenever staff are to be interviewed by the police in connection with an incident, they should inform the Chairman and Town Clerk prior to interview. If available, and if allowed by the police, the Town Clerk should provide support during the interview. If the Town Clerk is not available, support should be provided by the Services & Contracts Manager.
2. The member of staff should have full access to appropriate records to ensure their statements are accurate.
3. Consideration should be taken as to the appropriate location for an interview, i.e. at home or work. Staff being interviewed at home should still have the same level of support.
4. The Police will not usually share a copy of the witness statements they have taken.

Media Interest

1. The Town Clerk will handle all enquiries from the media.
2. The Town Clerk will brief the Chairman regularly and advise the Council accordingly.
3. No other staff should have any contact with the media and if contacted should refer the caller to the Town Clerk.

Incident Investigation Procedure

Purpose of an Investigation

In order to develop ways of minimising risk to people in contact with the Council we need to understand the true causes of untoward incidents. The aim of an incident investigation is to identify the actions that had immediate adverse consequences and the conditions in which these actions or errors were able to occur. This is to establish the root cause - the earliest point at which action could have been taken that would have reduced the chance of the incident happening. This is vital if lessons are to be learnt and effective actions taken to prevent reoccurrences.

The aim of an investigation is to focus on the causes of the incident. It is not the aim of the investigation to lay blame on any individual but to focus on the system problems that may have contributed to the incident occurring. However, the investigation may highlight issues of poor performance, breach of the law, professional misconduct or repetitious incidents. In some circumstances it be appropriate for members of staff to be suspended from duty whilst an incident is subject to an investigation. Further guidance on this can be found in the Council's Disciplinary and Capability Procedures.

All incidents require review and investigation. However, it would be an inappropriate use of valuable officer time to extensively review all incidents regardless of their risk exposure. Therefore, there are three levels of investigation based on the actual outcome of the incident. These are detailed below.

- GREEN & YELLOW** Investigation by Senior Officer and reviewed by the Services & Contracts Manager
- ORANGE**
- RED** **Full investigation** overseen by the Services & Contracts Manager and reviewed by the Town Clerk
- CRIMSON** **Full investigation** overseen by the Town Clerk and reviewed by the Management Group

As a minimum requirement all incidents should be reviewed to determine:

- WHAT happened.
- HOW it happened.
- WHY it happened.
- What can we LEARN from this?
- What CHANGES should we make, if any?

Investigation procedure for GREEN & YELLOW incidents

1. An investigation led by the senior officer to determine the minimum requirements as set out above. These are to be recorded on the Untoward Incident/Accident Form.
2. To be completed within **10 working days**.
3. If unable to complete investigation within this timescale, inform line management.
4. Escalate if required.

Investigation procedure for ORANGE incidents

1. An investigation, initially led by the senior officer to determine the minimum requirements as set out above and to be recorded on the Untoward Incident/Accident Form
2. The investigation is then reviewed by the Service & Contracts Manager.
3. To be completed within **10 working days**. If unable to complete investigation within this timescale, inform line management.
4. Escalate if required.

Investigation procedure for RED / CRIMSON incidents

The Council's s Serious Untoward Incident Review Group led by the Management Group will determine the level of investigation for **RED / CRIMSON**.

The Council's most senior officers (Town Clerk or Services & Contracts Managers) will be responsible for:

1. Ensuring there has been an initial investigation into the incident.
2. This involves completing **an Incident Management Review (Appendix E) within 10 working days hours** of the incident occurring.

The Serious Untoward Incident Review Group will be responsible for:

1. Reviewing the Incident Management Review and deciding the nature of any further investigation that may be required.
2. Categorising the type and method of further investigation required in accordance and commission this level of investigation, unless there is a clear rationale for this level of investigation not being required.
3. Establishing Terms of Reference for the investigation / review.
4. Ratifying the report into the investigation and agreeing the recommendations and action plan following an investigation.
5. Commission immediate action as required in the management of risks identified.
6. Ensuring that any concerns raised as a result of a complaint resulting from the incident are included in the investigation and reporting process.
7. Analysing the incident about duty of care, due diligence and identification of any potential litigation.

The Investigation team / reviewer will be responsible for:

1. Ensuring the investigation is conducted in accordance with the Terms of Reference for the investigation. Reviewing all available documentation and interviewing individuals as necessary to facilitate this.
2. Completing a Full Investigation Report and Action Plan.
3. Attaching any witness statements that were taken as soon as possible after the incident, and notes from interviews to the appendix of the report.
4. Agreeing the recommendations and actions with the individuals / team's subject to the investigation / review prior to submitting the report to the Review Group.
5. Recording that all members of the investigation team have agreed the report prior to submission to the Review Group and attaching documentary evidence of this to the report.
6. The investigation lead will be responsible for ensuring that the investigation is conducted in accordance with this procedure.

Review of Incidents, Investigations and Near Misses

The Council has a responsibility for reviewing incidents and identifying areas for learning and action as a result of incidents reported.

Involving Service Users, Relatives and Carers

Any person directly affected by the incident must be notified before the media. All information given to staff, service users, relatives or Members must be documented and kept in a separate file that will be stored with the service users record.

Support

Post Incident Support

People are affected by incidents in different ways. What may seem quite minor to one person may have a much greater impact on another. It is vital that those involved are debriefed by the Town Clerk following any incident, in order that their needs for support can be assessed.

Independent support may sometimes be required

Support During an Internal Incident Investigation

Staff may be interviewed as part of the fact-gathering process of an internal incident investigation. Staff can be supported by a friend or representative during interviews or when providing witness statements. The member of staff should arrange this support themselves.

There may be a period of anxiety or uncertainty following interview, pending the results of the incident investigation. It is essential that the staff members concerned are kept regularly informed about the progress of the investigation. It is the responsibility of the Town Clerk to ensure this happens, and to ensure that following the incident investigation, the results are fed back to the staff involved.

On occasion, following an incident investigation a further disciplinary investigation may result. This will proceed in line with the Council's Disciplinary Policy and Procedure.

Support in the Magistrate's, Crown or County Court

On occasions, staff may be required to attend court as witnesses. The Town Clerk must ensure that all staff involved are given access to advice and support prior to a hearing. Advice may be sought from the Society of Local Council Clerks. The Town Clerk should also ensure that appropriate support is provided at the hearing.

Please refer to the appendices below for the following information:

- Appendix A Examples of interview questions for staff involved in an investigation
- Appendix B Guidance notes for staff undertaking an investigation
- Appendix C Accident/ Untoward Incident Form
- Appendix D Witness Statement Template
- Appendix E Incident Management Review

Appendix A: Examples of Interview Questions for Staff/Public involved in an Incident

What things relating to the case/incident went well?	
What things relating to the case/incident concern or worry you?	
Did anything make management of the incident easier?	
Do you think the incident could have been predicted? Did something trigger the incident?	
Was the incident preventable?	
Why do you think it happened?	
How did you feel at the time of the incident?	
How do you feel now after the incident?	
Have everyone involved in the incident talked about it together?	

Appendix B: Guidance Notes for Staff Undertaking an Investigation

Guidance - The aim of the investigation is to learn lessons and improvement in service delivery.

- a) This work should be considered as very high priority. It is essential that the investigation is completed within the approved timescale.
- b) One member will be identified as the "investigation lead".
- c) The lead will co-ordinate the investigation process and submit the final draft report to the UI Review Group.
- d) It is the responsibility of the investigation lead to keep the UI Review Group updated with the progress of the investigation.
- e) The venue for the interviews with staff should be mutually convenient. Occasionally it may be necessary for the interviewee to travel to the venue for the interview.
- f) Staff and the public should be provided with a copy of the notes from their interview to verify and sign that they are a true record.
- g) Reports should contain a clear description of the event.
- h) Findings and recommendations need to be clear, explicit and understandable.
- i) The report should not be sent to the UI Review Group until it has been reviewed under "check and challenge" to ensure that it is a full and clear summary of events, with explicit findings and recommendations.
- j) The recommendation in the report must be discussed and agreed. Where there are differences of opinion between the officer team, the investigation team, and the Management Group this should be clearly stated in the report with rationale for the difference.
- k) The report should still be cleared as a "draft" until it has been accepted by the Group. The report should then be taken to full Council for approval.
- l) The investigation lead is responsible for ensuring that the results of the investigation and learning points are fed back to the staff involved in the incident as well as to the officer team and Members.
- m) The investigation lead is also responsible for ensuring that service users are appropriately informed about an incident that has affected them. It is recommended that if required, two members meet with service users to feedback this information.
- n) Retain all investigation materials (witness statements, interview notes, timelines etc) on completion of the report, so they can be retained with the incident record.

Health and Safety Accident/ Untoward Incident Report Form

Please complete all questions to the best of your knowledge.

All questions marked with a "*" must be completed.

Please keep all information provided in this form confidential. Once submitted, a copy of this form will be sent to the Services and Contracts Manager. You will also be emailed a copy of the form and this should be held securely. Any information relating to the incident should be attached.

Data Protection: Personal data on this form will be held on computer files. The information may be shared with other authorised persons for accident prevention purposes or as evidence in the event of civil or criminal action being taken against the Council.

Please note: If you have a scroll wheel on your mouse take care not to accidentally change your answer. You can click outside the box to save your answer.

What type of accident/ incident are you reporting?

What type of accident/ incident was it? *

Report originated by

About the accident/ incident

Date:

*

Where did the accident/ incident occur?

Name and address of the location where the accident/ incident occurred: *

Details of the location at the address where the accident/ incident occurred (i.e. room 3): *

About the accident/ incident

What happened? *

Was the person lone working at the time of the Accident/ Incident? *

'The HSE defines 'Lone Workers' as 'those who work by themselves without direct or close supervision' and are found in a wide range of situations'

Accident/ incident cause

What do you consider was the cause of the accident/ incident? *

RIDDOR (Reporting of Injuries, Diseases, Dangerous Occurrences Regulation)

Please use the following link to check if the Accident/ Incident requires reporting under RIDDOR to the HSE <http://www.hse.gov.uk/riddor>

Was the incident reportable under RIDDOR? *

Your details

Your name: *

Your Contact Number:

Please provide your address: *

Job Title **if applicable**

Please enter your e-mail address (this e-mail address will receive a copy of the incident form and action plan): *

Accident/ Incident Investigation

Name of officer incident reported to

Job title *

Contact Number

What were the immediate causes of the Accident/ Incident *

What was the root causes of the Accident/ Incident (i.e. decisions made at management level that lead to incident occurring)*

What preventative actions are being taken following the Accident/ Incident (tick relevant boxes)

- Additional supervision
- Training
- Modifying existing systems of work
- Repair to premises
- Review risk assessment
- Review maintenance procedures
- No further action required
- Recorded on violent markers register

Was the affected person (tick relevant boxes)

- Authorised to undertake the activity
- Trained to undertake activity
- Not Applicable

Thank you for completing the Penrith Town Council Health and Safety Accident/ Incident Report Form.

Once submitted, you will receive a copy of this form via e-mail.

Please check the information that you have provided above is correct.

Appendix C Witness Statement Template

This is a template document only and should be changed as necessary to reflect the circumstances of the individual case.

WITNESS STATEMENT	
Name of Witness:	
Date and time of Incident:	
Location of Incident:	

Please answer the questions below clearly, honestly, as fully as possible and to the best of your recollection. The purpose of investigation is to determine the facts and pertinent information, and to gather relevant perspectives, which may help to give an accurate and rounded picture of the situation.

1.	How are you involved in this incident?
2.	STATEMENT Please add any information you consider may be relevant to this investigation. [The investigator may wish to incorporate specific questions to gain relevant information/explore specific issues depending upon the circumstances of the case]:
2a.	<i>Question</i>
2b.	<i>Question</i>
3.	Please list and enclose any documents which may be relevant to the investigation.
4.	Are you aware of any other witnesses who should be interviewed, or a statement sought, as part of the investigation in relation to this matter? Please provide name(s) and say why you think they should be a witness.

I confirm that this statement accurately records my knowledge, recollection and understanding. I understand that I may be called upon to answer further questions in person, or to attend as a witness in the case of any formal procedures. I also understand that my statements and testimony may be shared with the parties concerned.

Signed :

Date:

Appendix D Incident Management Review Template

a. Incident:

b. Date:

c. Location:

d. Brief Summary:

e. Severity of the Issue:

f. Customer Impacted? (Yes/No):

g. Incident Lead (if applicable):

h. Date & Time to Acknowledge/Detect:

i. Date & Time to Recover/Respond:

j. Date & Time of Remediation/Service Restoration:

k. Who was alerted first?:

l. Who else helped?

m. What time did they join in?:

n. List the tasks that were performed and the time they occurred:

o. Which tasks made a positive impact?:

p. Which tasks made a negative impact?:

q. Which tasks had no impact on remediation/restoring service?:

r. Who executed specific tasks:

s. Record of conversations that were had during the incident:

t. What kind of information was shared:

u. Overall Learning:

v. Contributing Factors to the Incident:

w. Action Items:

RECOMMENDATIONS

LEAD INVESTIGATOR:

Signature:

Date:

REVIEWED BY:

Signature:

Date:

ACCEPTED BY MANAGEMENT GROUP ACTING AS UNTOWARD INCIDENT GROUP

Signature:

Date:

RECOMMENDED FOR APPROVAL BY FULL COUNCIL FOR:

Chairman:

Date: