



Hurst Setter & Associates Ltd

# Health Safety & Environmental Newsletter

## February 2021

Hurst Setter aims to provide commercially sound health and safety advice, practical on-site assistance, and training services to help clients to improve their overall health, safety and environmental performance and business efficiency. Health & safety is no longer a business where you just find fault and try to 'stop the job', it is now a role where a common sense approach needs to be applied to ensure a job can be completed safely ensuring that everyone returns home from work to their families at the end of the working day.

At the same time as being an external consultancy who are used for expert advice, we also work really hard to ensure they are part of the team for all clients. Hurst Setter pride themselves in being able to use expert knowledge of the industry and legislation to be a cog in the wheel to help our clients achieve their health & safety goals.

The company was established in 1992, we have an experienced team of professional staff throughout the UK with our Head Office in Burton upon Trent, subsidiary offices in Yorkshire and Wiltshire, along with field staff working throughout the UK. In this way we can offer a national coverage to large national based clients.

Our mission is to provide competent health, safety & environmental advice to our clients. We focus primarily on construction, project management and property management sectors.

We provide an extensive range of training including CITB accredited training courses as well as inhouse courses.

### Health & Safety Services

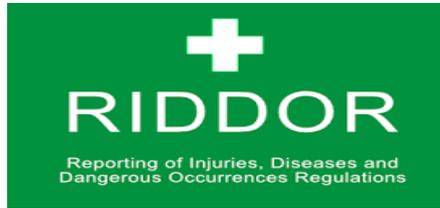
At Hurst Setter we provide a range of services that covers the entire spectrum of health and safety provision. Our services include:

- Audits & Inspections
- Retainer Service & Assistance with SSIP Accreditation
- Support with H&S Documentation, Risk Assessments & Policy
- H&S Management Systems
- Training Courses including CITB, First Aid, Mental Health, and In-House Training Courses, including remote courses during COVID 19.
- NEBOSH General (online) in association with another training provider.
- Environmental Services
- CDM 2015 Advice & Support

**Hurst Setter & Associates Ltd, All Saints Court, 76 Branston Road, Burton on Trent, Staffordshire DE14 3GP**

**Tel: 01283 569625 Email: [safety@hurstsetter.co.uk](mailto:safety@hurstsetter.co.uk) Web: [www.hurstsetter.co.uk](http://www.hurstsetter.co.uk)**

**The HSE website [www.hse.gov.uk](http://www.hse.gov.uk) is gratefully acknowledged as a primary source for information**



## How to Make a RIDDOR Report

### Who should report?

Only 'responsible persons' including employers, the self-employed and people in control of work premises should submit reports under RIDDOR.

### Reporting online

Responsible persons should complete the appropriate online report form as listed below. The form will then be submitted directly to the RIDDOR database. You will then have the option to download a copy for your records:

- Report of an injury.
- Report of a dangerous occurrence.
- Report of a case of disease.
- Report of flammable gas incident.
- Report of a dangerous gas fitting.

### Telephone

All incidents can be reported online but a telephone service is also provided for reporting fatal/specified incidents only - call the Incident Contact Centre on 0345 300 9923 (opening hours Monday to Friday 8.30 am to 5 pm).

### Reporting out of hours

The HSE and local authority enforcement officers are not an emergency service. More information on when, and how, to report very serious or dangerous incidents, can be found by visiting the '*HSE ways to contact HSE webpage*'. If you want to report less serious incidents out of normal working hours, you can always complete an online form.

### RIDDOR and the General Data Protection Regulations 2018

As a notifier you are acting as the responsible person under RIDDOR legislation and you are under a legal obligation to make the notification and have a lawful basis for processing the personal data of the injured person (data subject). The HSE processes this data as part of their public task. This is their legal justification for processing the data.

## Types of Reportable Incidents

### Deaths and injuries

If someone has died or has been injured because of a work-related accident this may have to be reported. Not all accidents need to be reported, other than for certain gas incidents, a RIDDOR report is required only when:

- The accident is work-related.
- It results in an injury of a type which is reportable.

### Types of reportable injury

The death of any person - All deaths to workers and non-workers, with the exception of suicides, must be reported if they arise from a work-related accident, including an act of physical violence to a worker.

### Specified injuries to workers

- Fractures, other than to fingers, thumbs and toes.
- Amputations.
- Any injury likely to lead to permanent loss of sight or reduction in sight.
- Any crush injury to the head or torso causing damage to the brain or internal organs.
- Serious burns (including scalding) which covers more than 10% of the body or causes significant damage to the eyes, respiratory system or other vital organs.
- Any 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, requires resuscitation or admittance to hospital for more than 24 hours.

### Over-seven-day incapacitation of a worker

Accidents must be reported where they result in an employee or self-employed person being away from work, or unable to perform their normal work duties, for more than seven consecutive days as the result of their injury. This seven day period does not include the day of the accident, but does include weekends and rest days. The report must be made within 15 days of the accident.

### Over-three-day incapacitation

Accidents must be recorded, but not reported where they result in a worker being incapacitated for more than three consecutive days. If you are an employer, who must keep an accident book under the Social Security (Claims and Payments) Regulations 1979, that record will be enough.

## Non-fatal accidents to non-workers (e.g. members of the public)

Accidents to members of the public or others who are not at work must be reported if they result in an injury and the person is taken directly from the scene of the accident to hospital for treatment to that injury. Examinations and diagnostic tests do not constitute 'treatment' in such circumstances. There is no need to report incidents where people are taken to hospital purely as a precaution when no injury is apparent. If the accident occurred at a hospital, the report only needs to be made if the injury is a 'specified injury' (see above).

## Occupational diseases

Employers and self-employed people must report diagnoses of certain occupational diseases, where these are likely to have been caused or made worse by their work: These diseases include (regulations 8 and 9):

- Carpal tunnel syndrome.
- Severe cramp of the hand or forearm.
- Occupational dermatitis.
- Hand-arm vibration syndrome.
- Occupational asthma.
- Tendonitis or tenosynovitis of the hand or forearm.
- Any occupational cancer.
- Any disease attributed to an occupational exposure to a biological agent.
- Further guidance on occupational diseases is available.

## Dangerous occurrences

Dangerous occurrences are certain, specified near-miss events. Not all such events require reporting. There are 27 categories of dangerous occurrences that are relevant to most workplaces, for example:

- The collapse, overturning or failure of load-bearing parts of lifts and lifting equipment.
- Plant or equipment coming into contact with overhead power lines.
- The accidental release of any substance which could cause injury to any person.



Hurst Setter & Associates Ltd, All Saints Court, 76 Branston Road, Burton on Trent, Staffordshire DE14 3GP

Tel: 01283 569625 Email: [safety@hurstsetter.co.uk](mailto:safety@hurstsetter.co.uk) Web: [www.hurstsetter.co.uk](http://www.hurstsetter.co.uk)

The HSE website [www.hse.gov.uk](http://www.hse.gov.uk) is gratefully acknowledged as a primary source for information

## Gas incidents

Distributors, fillers, importers & suppliers of flammable gas must report incidents where someone has died, lost consciousness, or been taken to hospital for treatment to an injury arising in connection with that gas. Such incidents should be reported using the Report of a Flammable Gas Incident - online form.

Registered gas engineers (under the Gas Safe Register,) must provide details of any gas appliances or fittings that they consider to be dangerous, to such an extent that people could die, lose consciousness or require hospital treatment. The danger could be due to the design, construction, installation, modification or servicing of that appliance or fitting, which could cause:

- An accidental leakage of gas.
- Incomplete combustion of gas or inadequate removal of products of the combustion of gas.
- Unsafe gas appliances and fittings should be reported using the Report of a Dangerous Gas Fitting - online form.

## RIDDOR Reporting of COVID-19



This guidance is for the person reporting, usually the employer (known as the 'responsible person').

### Members of the public and non-work-related cases

There is no requirement under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) to report incidents of disease or deaths of members of the public, patients, care home residents or service users from COVID-19. The reporting requirements relating to cases of, or deaths from, COVID-19 under RIDDOR apply only to occupational exposure, that is, as a result of a person's work.

## What to report:

- You should only make a report under RIDDOR when one of the following circumstances applies:
- An accident or incident at work has, or could have, led to the release or escape of coronavirus (SARS-CoV-2). This must be reported as a dangerous occurrence.
- A person at work (a worker) has been diagnosed as having COVID-19 attributed to an occupational exposure to coronavirus. This must be reported as a case of disease.
- A worker dies as a result of occupational exposure to coronavirus. This must be reported as a work-related death due to exposure to a biological agent.

## Dangerous occurrences

Dangerous occurrences are certain unintended, specified events, which may not result in a reportable injury, but which do have the potential to cause significant harm.

For an incident to be reportable as a dangerous occurrence, the incident must have resulted (or could have resulted) in the release or escape of coronavirus, that is, led to a possible or actual exposure to coronavirus.

The assessment does not require any complex analysis, measurement or test, but rather for a reasonable judgement to be made as to whether the circumstances gave rise to a real risk or had the

potential to cause significant harm.

## Cases of disease: exposure to a biological agent

When deciding if a report is required, the responsible person (usually the employer) must make a judgement, based on the information available, as to whether or not a confirmed diagnosis of COVID-19 is likely to have been caused by an occupational exposure, that is, whether or not there is reasonable evidence that a work-related exposure is the likely cause of the disease.

The report should specify a disease due to exposure to a biological agent and use the case of disease report form.

## Work-related deaths due to exposure to a biological agent

For an incident to be reportable as a death due to occupational exposure to coronavirus there must be reasonable evidence that a work-related exposure caused the worker's death.

The responsible person should notify the enforcing authority by the quickest practicable means, without delay, and send a report within 10 days. The report should specify death due to exposure to a biological agent using the "case of disease" report form.