



Health and safety complaints and incidents investigation policy

Complaints

A complaint is a concern in relation to a work activity for which Bournemouth Borough Council is the enforcing authority.

For Environmental Health to investigate the complaint must:-

1. Be sufficiently specific to enable identification of the issue, the person/company responsible and the location; and
2. Have caused or have potential to cause significant harm or alleges the denial of basic employee welfare facilities; or
3. Appears to constitute a significant breach of law

for which Bournemouth Borough Council is the enforcing authority.

Our policy is to investigate every such complaint received unless:-

1. The complainant wishes to remain anonymous, will not allow Bournemouth Borough Council to disclose that a complaint has been received and a vulnerable person is not involved;
2. It is from a serial complainant and a line manager or above decides no further action is required;
3. It has been made by an employee and has not been taken up with the dutyholder or trade union (unless it involves a vulnerable person);
4. It is outside the scope of Section 3 of the Health and Safety at Work etc Act 1974 (i.e. beyond what is reasonably practicable for an employer to do to protect members of the public affected by his work).

We will not investigate where:-

1. There are no reasonably practicable precautions; or
2. It is impracticable to follow up/investigate

In the following exceptional circumstances Bournemouth Borough Council may decide not to investigate where:-

3. There are inadequate resources to follow up/investigate.

Definition of a vulnerable person:-

- *Employees who may easily be identified and whose identification may endanger their future employment*
- *Members of the public where they are at risk/affected by work activity and*
- *Those whose property borders dutyholders' premises*

Incident investigations

Incidents are reported to Environmental Health via the national Incident Contact Centre. They are selected for investigation with consideration to the WorkWell Dorset enforcement policy and the pledge we signed with the Health and Safety Executive to manage health and safety risks sensibly.

Account is taken of the:-

1. Severity and scale of potential or actual harm;
2. Seriousness of any potential breach of law;
3. Duty holders' known past health and safety performance;
4. Enforcement priorities;
5. Practicality of achieving results; and
6. Wider relevance of the event including serious public concern.

The following defined major incidents are investigated:-

1. Fatal Accidents

All fatalities as a result of an accident arising out of or in connection with work activities. This specifically excludes suicides* or deaths from natural causes.

**In some circumstances (e.g. in health and social care) the risk of suicide may arise from the work activity in which case HSE guidance on the application of HSWA Section 3 should be applied.*

2. Injuries to all persons, including non-employees, irrespective of cause that meet the following conditions:-

- a) All amputations of digit(s) past the first joint;
- b) Amputation of hand/arm or foot/leg;
- c) Serious multiple fractures (more than one bone, not including wrist or ankle);
- d) Crush injuries leading to internal organ damage (e.g. ruptured spleen);
- e) Head injuries involving loss of consciousness;
- f) Burns and scalds covering more than 10% of the surface area of the body;
- g) Permanent blinding of one or both eyes;
- h) Any degree of scalping; and
- i) Asphyxiations.

3. RIDDOR (schedule 1) defined major injuries arising from working in a confined space or an electrical incident.

4. Occupational Diseases

All reports of cases of occupational disease which meet the criteria of reportability under RIDDOR, except those arising from circumstances/situation which have already been investigated.

5. **Serious breach of health and safety law** including incidents likely to give rise to serious public concern where, in accordance with the Enforcement Management Model, the national enforcement expectation would determine a notice or a prosecution.
6. **Major hazard precursor events** as identified within HSEs business plan and relevant workplan for each HSE Operational Directorate

In certain instances we may decide not to investigate an incident. This may be because:-

- It does not meet the criteria for investigation as detailed above.
- Where an investigation is impractical (e.g. unavailability of key witness(es), key evidence is no longer available).
- No reasonably practicable precautions available to prevent the incident/accident or its recurrence;
- Investigating the accident will mean the Local Authority will be acting ultra vires.
- There is a conflict of interest between the LA as a regulator and duty holder, in which the appropriate enforcing authority should be notified.
- Inadequate resources due to other priorities.