

## **Health and Safety at Work: Our role in investigating accidents and complaints about working conditions**

Bristol City Council is the enforcing authority for health and safety law in approximately 12000 businesses in Bristol including warehouses; entertainments and leisure venues; consumer services e.g. launderettes, tyre and exhaust fitters; offices and shops.

We carry out this role in a number of ways:

- Routine inspections
- Investigating accidents
- Responding to complaints from employees and members of the public
- Providing information in seminars, in our handbook and on the website

We have a number of policies and procedures that guide our inspectors in their work, and these follow guidance from the Health and Safety Executive (HSE), and also meet Bristol City Council's own standards. The main policy is our Health and Safety Enforcement Policy.

We target our resources to the activities that are most likely to cause illness or injury, particularly if they are poorly managed. Usually we give informal recommendations but in serious cases we may serve legal notices that require improvements or stop dangerous activities. In the worst cases we may prosecute.

### **Accidents**

Accidents at work must be reported by employers if they result in death, major injury, employees being off work for more than 3 days, or a member of the public being taken to hospital. Employers must also report certain diseases caused by work such as tendonitis or asbestosis. NB stress is not a reportable disease.

Sometimes employers fail to report accidents to us but we may hear about them from the injured person themselves or their relatives.

### **Investigation**

There is no specific legal duty on the council to investigate accidents but we do investigate a proportion of more serious accidents as part of our general duty to enforce health and safety law.

The purpose of any investigation is:

- To find out what happened
- To prevent the same accident happening again
- To check if the law has been broken
- Where necessary to serve notices or prosecute in line with our policies and guidance

We **do not** investigate accidents on behalf of the injured person or in order to provide information for any civil claim for compensation. However, information gathered in the course of an investigation will be available on request once the investigation is complete and subject to legal limitations.

The way in which we investigate accidents varies according to the extent to which the employer has failed to meet current standards of law and guidance, the seriousness of the injury, the practicality of achieving results, and whether similar incidents have occurred before.

We may telephone to check details if there is not sufficient information on the report form.

We may send a letter to the employer asking for a report based on their own internal investigation.

We may visit the premises and ask relevant people, including the injured person, what happened.

In more serious accidents we may visit, secure the scene, take measurements and photographs, request expert advice, and take statements from witnesses and the injured person.

Legal action such as service of a notice or even prosecution may follow, depending on our findings.

### **Timescales**

We aim to start all investigations within the timescales set by our procedures, with a minimum of 2 working days for initial contact. We cannot say in advance how long an investigation will take as there may be complex technical or legal issues that have to be resolved.

### **Complaints about health and safety standards**

(For complaints about the service you have received please see the Council's Fair Comment procedure)

Complaints from employees and members of the public about safety matters will be dealt with in a variety of ways, depending on factors such as the seriousness of the hazard, the number of people affected, and the previous history of the business.

The investigation may be by telephone, letter or visit as appropriate. We aim to make an initial response within 2 working days. Where serious risks are found appropriate legal action may be taken e.g. service of notice or even prosecution.

### **Confidentiality**

If a complainant asks for their details to be kept confidential we will do our best to respect this request but may be legally required to reveal their identity. We will normally investigate anonymous complaints.

### **Disclosure**

While Bristol City Council wishes to be open about all its activities we are limited as to the amount of information we can give about an investigation. Our policy on this matter is currently under review, but we cannot give information during the course of an investigation, or if to do so would be against the public interest. We will let you know the outcome of our investigation.

### **Contact us**

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