



# Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## JCC Circular 10 of 2017

Ref: CS/PC/LS

21 March 2017

Attachments: SPF Near Miss Guidance Doc

Dear Colleague

### **SPF Near Miss Guidance Document – Information**

I refer to the above and attach herewith an SPF Near Miss Guidance document prepared by Paul Connelly, WAC Deputy Secretary (H&S), for your information.

Please note it will also be placed on the SPF website.

Yours sincerely

**Calum Steele**  
General Secretary



# SCOTTISH POLICE FEDERATION

Established by Act of Parliament

## SPF Near Miss Guidance

### Introduction

This guidance has been produced to advise and inform SPF Reps and members as to what constitutes a Near Miss and when they should be reported through SCOPE. It is intended that this document will be updated periodically to incorporate any developments in this field.

SPF advice and assistance regarding Health and Safety issues can be obtained via your local rep, the Contact Us facility on the SPF website or during office hours by calling 0300 303 0027. In cases of emergency which occur out with office hours on call full-time officials can be contacted via Service Overview.

### Definition

A number of definitions as to what constitutes a Near Miss have been produced by different organisations which vary in detail. However for the sake of clarity the definition used by Police Scotland and the SPA should be used;

“An unplanned event or situation that ***could*** have resulted in injury, illness, damage or loss but did not do so due to chance, corrective action or timely intervention”

It follows from this definition that any event or situation ***which*** results in injury, illness, damage or loss is ***not*** a near miss and should be reported as an accident/incident on SCOPE.

NB This includes where an officer or member of staff is assaulted by being spat on.

### Why should we report near misses?

#### Legal Reasons

S2, The Health and Safety at Work etc. Act 1974 places a legal duty on employers (including Police Scotland) “to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.”

S7 (b) of the 1974 Act places a general duty on employees, when at work, to co-operate with their employer in health and safety matters.

## **Moral Reasons**

In common with all employees Police Officers are under a moral obligation to assist in preventing their colleagues and others from coming to harm in the workplace.

Academic research indicates that there is a relationship between the number of near misses which occur in a work place and the incidence of injury and even death. It is vital that employers put in place robust procedures to record and where appropriate investigate near misses in order to learn from them and eliminate risks which if they go unchecked could result in injury or death.

Promoting the submission of near miss reports is indicative of an organisation which values the health, safety and wellbeing of its employees.

Due to their greater numbers and greater involvement in operational policing officers from the federated ranks are more likely to witness near misses than senior managers.

## **Financial Reasons**

The Police budget is under unprecedented pressure, accidents can result in substantial costs including; compensation to injured or bereaved parties, replacing damaged equipment, legal costs and the payment of fines. Therefore it is common sense to do what we can to prevent accidents from occurring in the first place.

## **Process**

The mechanism through which Near Misses are reported is SCOPE.

Police Scotland Health, Safety and Wellbeing department have published an Accident/Incident/Near Miss Reporting and Investigation Document which is available on the intranet and gives guidance as to roles and responsibilities.

Individual officers are responsible for the submission of Near Miss reports to their line managers, however paragraph 25 of this document confirms that it is the responsibility of supervisors to ensure that accidents and Near Misses are reported and recorded timeously.

Submission of reports via SCOPE ensures that managers are aware of health and safety issues and allows for analysis of risk by them, Police Scotland Health and Safety and/or the staff associations.

The Police Scotland guidance document gives examples of incidents which should be recorded as a Near Miss including road traffic collisions and violent incidents which did not result in injury to officers. Parts of the document mention that only "significant" examples of these incidents should be reported on SCOPE. This is not helpful and could lead to the under recording of Near Misses.

The SPF position is that by default ***all*** incidents which meet the definition should be recorded and reported to supervisors. The PSoS preference is that recording takes place on SCOPE and where possible this should be done. Where Scope is not available, a written report should be made to your immediate supervisor.

Each division and department holds regular health and safety meetings which are the proper forum for evaluating Near Miss reports and accidents. Individual officers, supervisors and managers should not discourage officers from submitting Near Miss reports.

## Examples

Types of incidents which are of particular concern to the SPF and should be recorded on SCOPE include;

- Premature failure of Airwave batteries.
- Leaks or other failure of PAVA NB Police Scotland has created Force Forms for use when there is a fault with PAVA. These forms can be found on the Intranet and should also be submitted.
- PAVA, baton or other PPE having no or little effect during a violent incident (provided no injury occurred to officers or staff, if injury occurred it's an accident). This type of incident should be recorded using a Use of Force SCOPE form, where available, with the effectiveness of each item of PPE rated.
- Many of the incidents which up until now have been recorded by Custody Division on the Adverse Incident Spreadsheet should also be reported via SCOPE, where available, if they meet the Near Miss definition.
- Falling asleep at the wheel of vehicles (personal or work) enroute to, during or on way back from tours of duty.
- Exposure to extremes of temperature/inclement weather at loci or on operations.
- Breaches of H&S law particularly provisions of Welfare at Work Regulations 1992 which cover areas including the heating and ventilation of buildings and the provision of facilities for washing and taking refreshment breaks or the Provision and Use of Work Equipment Regulations 1998 (PUWER). PUWER places a legal obligation on Police Scotland to ensure that equipment issued to allow you to carry out your duties must be fit for purpose.
- Vehicle faults which endanger safety e.g. engines cutting out whilst in motion, brake failures, vehicle fires. Such vehicles should be withdrawn from service and faults reported to vehicle workshops immediately.
- Building defects which could have caused injury or ill health, line managers should be notified of such defects and estates department contacted to effect a repair.

## Resources/OBLs

The HSE has adopted the position that the specific deployment of resources is a matter for the Chief Constable and they will not dictate OBL levels to management, however there are a number of occasions where a lack of resources can constitute a near miss.

Deployment of clearly inadequate numbers of officers to deal with a specific incident e.g. deploying a single unit to deal with a large scale violent incident with no available “back-up”.

Deployment of non-specialist officers to incidents or tasks which should be dealt with by specialists. E.g. Divisional officers being sent to incidents on fast roads (speed limit of 50mph plus) due to lack of RP resources, particularly where the officers do not have access to suitable clothing and equipment. NB due to the nature of policing non-specialist officers will come across incidents like this and will be expected to deal with them to the best of their abilities until relieved by specialist officers.

Another similar example would be where an incident escalates and there is a lack of available specialist resource to conclude it safely e.g. no dogs available for ground searches or public order incidents.

Officers not being able to take refreshment breaks due to lack of resources can constitute a near miss. It is acknowledged that operational demands may prevent officers from receiving a break during a shift. However this should be the exception and not the rule. Officers who are tired, hungry or dehydrated are at greater risk of being involved in an accident. Where an officer is prevented from receiving a full refreshment break more than once in a run of shifts (i.e. a series of shifts rostered on consecutive days between sets of scheduled Rest Days) should be recorded as a near miss.

Police Scotland is obliged, under the Workforce Agreement, to make “all efforts” to ensure that officers receive the breaks that they are entitled to under Police Service of Scotland Regulations 2013. Due cognisance must be taken of any Health and Safety implications in not giving an officer the rest break to which they are entitled.

It is unacceptable and may constitute a breach of the Working Time Regulations 1998 for a working practice, shift plan or operational order to be put in place which does not provide for officers to have a rest break.

Failure to provide adequate rest breaks may also be unlawful discrimination in terms of the Equality Act 2010 in that it disproportionately affects our colleagues who have conditions such as diabetes. Working shifts is also thought to increase the risk of developing diabetes and in order to mitigate this, it is vital that facilities and time are provided to allow for the preparation and consumption of a healthy meal.



# SCOTTISH POLICE FEDERATION

Established by Act of Parliament

## SPF Near Miss Guidance

### Introduction

This guidance has been produced to advise and inform SPF Reps and members as to what constitutes a Near Miss and when they should be reported through SCOPE. It is intended that this document will be updated periodically to incorporate any developments in this field.

SPF advice and assistance regarding Health and Safety issues can be obtained via your local rep, the Contact Us facility on the SPF website or during office hours by calling 0300 303 0027. In cases of emergency which occur out with office hours on call full-time officials can be contacted via Service Overview.

### Definition

A number of definitions as to what constitutes a Near Miss have been produced by different organisations which vary in detail. However for the sake of clarity the definition used by Police Scotland and the SPA should be used;

“An unplanned event or situation that ***could*** have resulted in injury, illness, damage or loss but did not do so due to chance, corrective action or timely intervention”

It follows from this definition that any event or situation ***which*** results in injury, illness, damage or loss is ***not*** a near miss and should be reported as an accident/incident on SCOPE.

NB This includes where an officer or member of staff is assaulted by being spat on.

### Why should we report near misses?

#### Legal Reasons

S2, The Health and Safety at Work etc. Act 1974 places a legal duty on employers (including Police Scotland) “to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.”

S7 (b) of the 1974 Act places a general duty on employees, when at work, to co-operate with their employer in health and safety matters.

## **Moral Reasons**

In common with all employees Police Officers are under a moral obligation to assist in preventing their colleagues and others from coming to harm in the workplace.

Academic research indicates that there is a relationship between the number of near misses which occur in a work place and the incidence of injury and even death. It is vital that employers put in place robust procedures to record and where appropriate investigate near misses in order to learn from them and eliminate risks which if they go unchecked could result in injury or death.

Promoting the submission of near miss reports is indicative of an organisation which values the health, safety and wellbeing of its employees.

Due to their greater numbers and greater involvement in operational policing officers from the federated ranks are more likely to witness near misses than senior managers.

## **Financial Reasons**

The Police budget is under unprecedented pressure, accidents can result in substantial costs including; compensation to injured or bereaved parties, replacing damaged equipment, legal costs and the payment of fines. Therefore it is common sense to do what we can to prevent accidents from occurring in the first place.

## **Process**

The mechanism through which Near Misses are reported is SCOPE.

Police Scotland Health, Safety and Wellbeing department have published an Accident/Incident/Near Miss Reporting and Investigation Document which is available on the intranet and gives guidance as to roles and responsibilities.

Individual officers are responsible for the submission of Near Miss reports to their line managers, however paragraph 25 of this document confirms that it is the responsibility of supervisors to ensure that accidents and Near Misses are reported and recorded timeously.

Submission of reports via SCOPE ensures that managers are aware of health and safety issues and allows for analysis of risk by them, Police Scotland Health and Safety and/or the staff associations.

The Police Scotland guidance document gives examples of incidents which should be recorded as a Near Miss including road traffic collisions and violent incidents which did not result in injury to officers. Parts of the document mention that only "significant" examples of these incidents should be reported on SCOPE. This is not helpful and could lead to the under recording of Near Misses.

The SPF position is that by default ***all*** incidents which meet the definition should be recorded and reported to supervisors. The PSoS preference is that recording takes place on SCOPE and where possible this should be done. Where Scope is not available, a written report should be made to your immediate supervisor.

Each division and department holds regular health and safety meetings which are the proper forum for evaluating Near Miss reports and accidents. Individual officers, supervisors and managers should not discourage officers from submitting Near Miss reports.

## Examples

Types of incidents which are of particular concern to the SPF and should be recorded on SCOPE include;

- Premature failure of Airwave batteries.
- Leaks or other failure of PAVA NB Police Scotland has created Force Forms for use when there is a fault with PAVA. These forms can be found on the Intranet and should also be submitted.
- PAVA, baton or other PPE having no or little effect during a violent incident (provided no injury occurred to officers or staff, if injury occurred it's an accident). This type of incident should be recorded using a Use of Force SCOPE form, where available, with the effectiveness of each item of PPE rated.
- Many of the incidents which up until now have been recorded by Custody Division on the Adverse Incident Spreadsheet should also be reported via SCOPE, where available, if they meet the Near Miss definition.
- Falling asleep at the wheel of vehicles (personal or work) enroute to, during or on way back from tours of duty.
- Exposure to extremes of temperature/inclement weather at loci or on operations.
- Breaches of H&S law particularly provisions of Welfare at Work Regulations 1992 which cover areas including the heating and ventilation of buildings and the provision of facilities for washing and taking refreshment breaks or the Provision and Use of Work Equipment Regulations 1998 (PUWER). PUWER places a legal obligation on Police Scotland to ensure that equipment issued to allow you to carry out your duties must be fit for purpose.
- Vehicle faults which endanger safety e.g. engines cutting out whilst in motion, brake failures, vehicle fires. Such vehicles should be withdrawn from service and faults reported to vehicle workshops immediately.
- Building defects which could have caused injury or ill health, line managers should be notified of such defects and estates department contacted to effect a repair.

## Resources/OBLs

The HSE has adopted the position that the specific deployment of resources is a matter for the Chief Constable and they will not dictate OBL levels to management, however there are a number of occasions where a lack of resources can constitute a near miss.

Deployment of clearly inadequate numbers of officers to deal with a specific incident e.g. deploying a single unit to deal with a large scale violent incident with no available “back-up”.

Deployment of non-specialist officers to incidents or tasks which should be dealt with by specialists. E.g. Divisional officers being sent to incidents on fast roads (speed limit of 50mph plus) due to lack of RP resources, particularly where the officers do not have access to suitable clothing and equipment. NB due to the nature of policing non-specialist officers will come across incidents like this and will be expected to deal with them to the best of their abilities until relieved by specialist officers.

Another similar example would be where an incident escalates and there is a lack of available specialist resource to conclude it safely e.g. no dogs available for ground searches or public order incidents.

Officers not being able to take refreshment breaks due to lack of resources can constitute a near miss. It is acknowledged that operational demands may prevent officers from receiving a break during a shift. However this should be the exception and not the rule. Officers who are tired, hungry or dehydrated are at greater risk of being involved in an accident. Where an officer is prevented from receiving a full refreshment break more than once in a run of shifts (i.e. a series of shifts rostered on consecutive days between sets of scheduled Rest Days) should be recorded as a near miss.

Police Scotland is obliged, under the Workforce Agreement, to make “all efforts” to ensure that officers receive the breaks that they are entitled to under Police Service of Scotland Regulations 2013. Due cognisance must be taken of any Health and Safety implications in not giving an officer the rest break to which they are entitled.

It is unacceptable and may constitute a breach of the Working Time Regulations 1998 for a working practice, shift plan or operational order to be put in place which does not provide for officers to have a rest break.

Failure to provide adequate rest breaks may also be unlawful discrimination in terms of the Equality Act 2010 in that it disproportionately affects our colleagues who have conditions such as diabetes. Working shifts is also thought to increase the risk of developing diabetes and in order to mitigate this, it is vital that facilities and time are provided to allow for the preparation and consumption of a healthy meal.



# Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## JCC Circular 10 of 2017

Ref: CS/PC/LS

21 March 2017

Attachments: SPF Near Miss Guidance Doc

Dear Colleague

### **SPF Near Miss Guidance Document – Information**

I refer to the above and attach herewith an SPF Near Miss Guidance document prepared by Paul Connelly, WAC Deputy Secretary (H&S), for your information.

Please note it will also be placed on the SPF website.

Yours sincerely

**Calum Steele**  
General Secretary