

Friends of MV Freedom
Policy – Accident Reporting

Background

Regulation 3 of the Health and Safety Regulations 1981, Approved Codes of Practice Guidelines (ACPG) state that it is good practice for employers to provide first aiders with a book in which to record incidents which require their attendance. The information to be recorded:

- Date, time and place of the incident
- Name and job of the injured or ill person
- Details of the injury/illness and what first aid was given
- What happened to the person immediately afterwards (e.g. went home, went to hospital, went back to work)
- Name and signature of the first aider dealing with the incident.

Policy & Procedure

A pre-printed Accident Report Book is carried on board MV Freedom located with the First Aid kit and accessible at all times. To comply with the General Data Protection Regulations the accident report book has detachable pages so that personal details can be kept confidential.

- Completed Accident Report Forms and Completed Accident Report Books will be retained and securely stored by the Secretary.
- Reports and completed books will be retained for a minimum of three years.
- Each book and each report form will be allocated a sequential number

Completing the Accident Report Form.

- All sections (except the RIDDOR box) must be completed each time an incident or accident occurs, and first aid is administered
- If the injured person cannot complete the form it can be done on their behalf.
- The completed report form must be removed from the Accident Report Book and handed to the Secretary
- The injured person should be offered a copy of the Report Form for their reference.

Note to Trustees

If the accident is reported under RIDDOR (Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013) then the box provided on the report form must be initialled by a Trustee.

Marine Casualty and Marine Incident Reporting

In addition, the owner/managing agent has a statutory requirement to report accidents. The statutory requirements are given in the Merchant Shipping (Accident Reporting and Investigation) Regulations 1999 SI 1999/2567. Marine Guidance Note MGN115 (M+F) explains the Regulations and the requirement to report accidents to the Department for Transport.

The charity has, in addition to its internal policy, a statutory Regulatory duty to report Maritime Casualties and Maritime Incidents. Relevant extracts from these Regulations taken from the Marine Guidance Note are set out in the following paragraphs.

The Marine Accident Investigation Branch (MAIB) investigates marine casualties involving UK vessels worldwide and vessels of any flag in UK territorial waters. The MAIB's purpose is to help prevent further avoidable accidents from recurring, it does not seek to apportion blame or establish liability. The MAIB is responsible for:

Carrying out investigations to determine the causes of accidents at sea. Publishing reports that include safety recommendations on improving safety at sea. Increasing awareness of how marine accidents happen. Improving national and international cooperation in marine accident investigations.

The MAIB's reports draw attention to lessons learned from marine casualties, to inform the shipping industry, the leisure craft community and the public of those lessons.

This MGN provides guidance on the legal obligation to notify marine casualties and marine incidents, formerly known as marine accidents, as contained in The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 (as amended)

WHO MUST REPORT

The master / skipper or surviving senior officer of a UK ship must notify the MAIB of any marine casualty or marine incident (see what to report below).

The master / skipper of any ship must notify the MAIB of any marine casualty or marine incident if: the ship is within UK waters and carrying passengers to / from the UK, or the marine casualty or marine incident occurs within the jurisdiction of a UK harbour master.

The ship's owner must notify the MAIB of any marine casualty or marine incident, unless s/he is satisfied that the master / skipper or senior surviving officer has made the report.

The duty to notify does not apply to:

- Recreational craft hired on a bareboat basis, or
- Commercial craft or boats <8m length overall that are operating in a harbour or on an inland waterway, which are not carrying passengers, Unless the marine casualty involves an explosion, fire, or capsize of a power driven vessel, or results in death, serious injury³ or severe pollution.

Note, there is no requirement for the master / skipper or owner of a pleasure vessel to notify the MAIB of a marine casualty or marine incident, though notifications are welcomed.

All notifications are treated confidentially and a reporter's identity will not be released.

WHAT TO REPORT

It is a legal requirement that any marine casualty or marine incident is notified to the MAIB.

Any notification made to the MAIB does not remove any obligation to notify other organisations.

A marine casualty is an event or sequence of events that occurred directly in connection with the operation of a ship, and resulted in:

- The death of, or serious injury to, a person.
- The loss of a person from a ship.
- The loss, presumed loss or abandonment of a ship.
- Material damage to a ship.

Note: In this context a serious injury renders the person unable to perform their usual duties for >72 hours, or requires their admittance to a hospital / medical facility for > 24 hours. See The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, regulation 2(1) for the definition of a pleasure vessel. In this context, material damage means the structural integrity, performance or operational characteristics of the ship or infrastructure are significantly affected, and requires major repair or replacement of a major component or components.

- The ship being unfit to proceed, or requires flag state approval or a condition of class before it may proceed.
- At sea, a breakdown of the ship, requiring towage.
- The stranding or disabling of a ship, or the involvement of a ship in a collision.
- Material damage to marine infrastructure external of a ship that could seriously endanger the safety of the ship, another ship or any individual.
- Pollution, caused by damage to a ship or ships.

Note, a marine casualty or marine incident does not include a deliberate act or omission that is intended to cause harm to the safety of a ship, an individual (e.g. assault, suicide or homicide) or the environment.

A marine incident means an event, or sequence of events, which occurred directly in connection with the operation of a ship, that do not meet the criteria to be classified as a marine casualty but that endangered or, if not corrected would endanger, the safety of the ship, its occupants or any other person or the environment.

Examples of marine incidents include:

- Close-quarters situations where urgent action was required to avoid collision.
- Any event that had the potential to result in a serious injury.
- A fire that did not result in material damage.
- An unintended temporary grounding on soft mud, where there was no risk of stranding or material damage.
- A person overboard who was recovered without serious injury.
- Snagging of fishing gear resulting in a dangerous heel.

Do not Report

There is no requirement to report:

- Defects to equipment and vessel detentions, unless they are related to a marine casualty or marine incident.
- Injuries to passengers that did not result from activities connected with the operation of the vessel. For example: a passenger suffering a fall on board a ship, where the ship's movement, design, or acts or omissions by crew were not contributing factors.
- Damage or injuries occurring ashore, including the quayside, which do not involve the ship's equipment.

WHEN TO REPORT

All marine casualties and marine incidents must be notified to the MAIB as soon as practicable by the quickest means available (see 'How to Report', below). Notification must not be delayed until the completion of an internal company investigation.

HOW TO REPORT

The MAIB's 24 hour accident reporting line: +44 (0)23 8023 2527.

Information can also be submitted using the MAIB's Accident Report Form (ARF), which is available on the Branch's website: www.gov.uk/MAIB. On the home page, click 'Reporting an Accident', then the 'Accident Report Form' link.

Comprehensive completion of the form will avoid the need for the MAIB to make followup enquiries to obtain missing information.

Once completed, the form may be submitted electronically, by clicking on the button on the form, or printed and sent by post to:

MAIB, 1st Floor Spring Place 105 Commercial Road Southampton SO15 1GH.

For general queries about marine casualty or marine incident notification, to follow up on a notification already made and for assistance in completing the ARF:

Tel: +44 (0)23 8039 5500 (switchboard) E-mail: maib@dft.gsi.gov.uk

The switchboard telephone number and the e-mail account are not monitored outside office hours.

EVIDENCE

Following a marine casualty or marine incident, the MAIB may require access to additional information and evidence. In this regard, all charts, log books, recorded data (hard copy or electronic) relating to the period prior to, during and after the marine casualty or marine incident, and all other documents, records and equipment which may be pertinent to the marine casualty or marine incident must be preserved.

Where a vessel is fitted with a Voyage Data Recorder, the data recorded by it must be saved immediately and steps taken to prevent the data becoming overwritten.

PENALTIES

Note, it is an offence under The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, Regulation 19 not to report a marine casualty or marine incident or provide the information required without reasonable cause.

Version 1: Policy Adopted by Trustees on 11th March 2019

Policy Reviewed on 16th July 2022 by Stephen Evans