



Don't run before you can walk – responding to a forklift truck accident

In an ideal world, the staff have been properly trained and drill practice has taken place; assuming this is the case, the response to an accident should not be a surprise or wholly inadequate. However, humans (unlike forklift trucks) are unpredictable and instinctive. This is why events such as near-misses are important tools to ensure that the correct procedure was followed and show any weaknesses in the system. In general, the response to any incident should follow a three-step approach: safe, secure and solicitor.

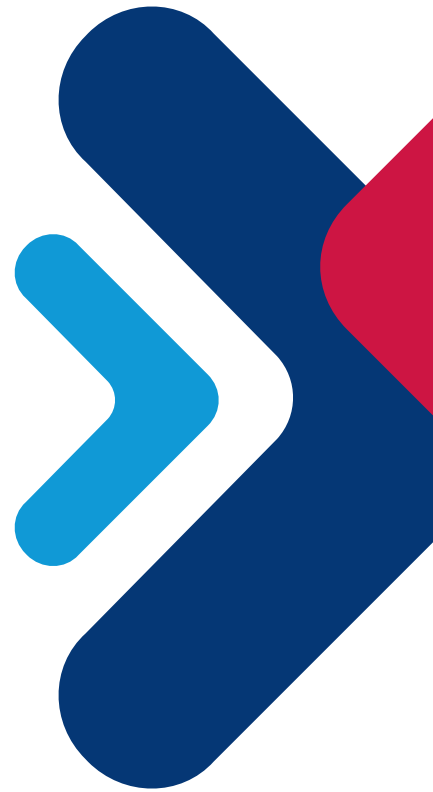
Safe – the first steps

At the scene of an accident the first instinct of a human being is to try and help, but sometimes this can worsen the situation or even lead to a further accident occurring. It is important to raise the alarm to ensure that the most appropriate and effective action is taken by those with the correct skills. For example, a trained first aider may be needed, these individuals should be known within the organisation and easily contacted. It is also vital that the area is made safe, by cordoning off the area, switching off machinery and if necessary, evacuating the area. Taking a few moments to observe the situation then following the established procedure is the best way to ensure the effects of the accident are not spread but are contained and resolved as safely as possible.

Secure – the missing step

Securing evidence is an element often overlooked by employers in the aftermath of an accident. This can be as simple as ensuring copies of the sign in and out sheets for the day are retained, training records are properly and logically kept and are secure (but accessible when required). Remember, the police may seize items, documents or vehicles. Therefore, if you have documents, copy them to make sure you have a copy once the police, HSE or whoever, have taken the originals.

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Secure – the missing step

It is important to capture as much information as possible. Where appropriate, photographs may be taken. CCTV should be retained if it is available. By this point the person responsible for health and safety in the workplace should be involved in this process. They will be able to make decisions on aspects such as whether the accident is RIDDOR reportable and begin the process for that. If the police seize vehicles or other items, it should be borne in mind that these may be retained for a long time – items such as goods being loaded may not belong to the company and the owners will need to be informed. The HSE has wide ranging investigatory powers and may retain items for inspection under s20 of the Health and Safety at Work Act. It does not specify in what condition items should be stored so be aware, you may not get the vehicle or item back in the same state it was seized.

Solicitor – the next steps and the road ahead

Legal advice should be sought at the earliest possible opportunity. As a general rule, at this early stage, no comment should be made to the authorities without legal advice - beyond the necessary cooperation with the investigation. An individual within the workplace should be identified to take on the task of the internal investigation, contact the family of anyone involved in the accident, and report the fact of the accident to the insurer. It may also be necessary to identify someone to deal with press and social media. Remember "Silence is not only golden but seldom misquoted."

It is important to have specialist team by your side as soon as possible to ensure no missteps are taken in the immediate aftermath of a serious incident. Words and actions can be impossible to unpick once they have been committed to paper, so it is best to have the right advice from the very earliest stages.

In conclusion, if the worst does happen, keep a calm head and respond using a three-step approach: **safe, secure and solicitor**.

Contact the regulatory team at Backhouse Jones for more information here: [contact](#) or on 01254 828300.

