

ANALYSIS OF THE RESPONSES TO THE RIDDOR DISCUSSION DOCUMENT

SUMMARY REPORT

INTRODUCTION

This summary report has been prepared by BOMEL Limited for the Health and Safety Executive as Technical Support contract P423. It presents an overview of the analysis of the responses to HSE's Discussion Document 'The review of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)'. This analysis is intended to support the Commission's decision-making process and inform further consultation and policy discussion. Full details of the analyses are contained in the main report.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995, which came into force on 1 April 1996, place a legislative duty on employers, the self-employed and those in control of work premises to report all deaths and relevant injuries from accidents at work, some dangerous occurrences and some specified instances of occupational disease. The 2005 RIDDOR Review represents the first opportunity to re-evaluate these regulations since their development in 1994. It involves an examination of all aspects of the regulations from their scope and procedures to their underpinning aims and objectives and enables stakeholders to express their views regarding the future direction of this important legislation.

The RIDDOR Review Discussion Document invited respondents to share their views on the four key proposals presented by the HSE, and other issues highlighted in the document, by completing and returning a questionnaire containing both closed and free-text questions. The questionnaire also collected basic background information such as contact details and organisational type, role etc. Additionally, some respondents sent free-text responses and detailed documents outlining their position and views.

Responses were analysed using the BOMEL Consultation Response Tool, a software package developed for the HSE to allow the rigorous and structured examination of documents by assigning multi-level user-defined keywords to group and categorise responses. The use of this tool enabled the development of a clear picture of themes and emerging issues, cross-referenced against respondent categories (role, organisational type, size, location etc.). The resultant profiles indicated the interests of a number of specific stakeholder groups and ensured that all interests were considered equally. The tool provided a full audit trail and transparency in the resultant conclusions and recommendations.

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The overall aims of this project are:

1. To organise and format the responses so that trends, areas of agreement/ disagreement, and suggestions for further action can be identified and compared against respondent categories.
2. To analyze the resultant data, presenting a comprehensive picture of the views of stakeholders such that defensible conclusions and recommendations can be made regarding the next steps in this review.

RESPONDENT CHARACTERISTICS

This analysis was conducted on 289 responses to the RIDDOR Review Discussion Document using the BOMEL Consultation Response Tool. The responses consisted of:

- Completed web forms based on the questionnaire provided at the back of the Discussion Document.
- Emails containing relatively short free-text responses.
- Microsoft Word documents containing longer free-text responses.
- Hard copy versions of the questionnaire.
- Letters and other documents discussing the issues in an open format.

Around 45% of the respondents came from London and the East and South East regions. Figure 1 to Figure 4 show the relative percentages and breakdowns of each role, organisational type and industry sector for the responses received. The majority of respondents were categorised as *Health & Safety Professionals* or *Safety Managers*; over a third of the responses were received from *Companies*. Nearly two-thirds of the respondents were classified as being in the Services sector. Around a third of these are in *Public administration and defence*.

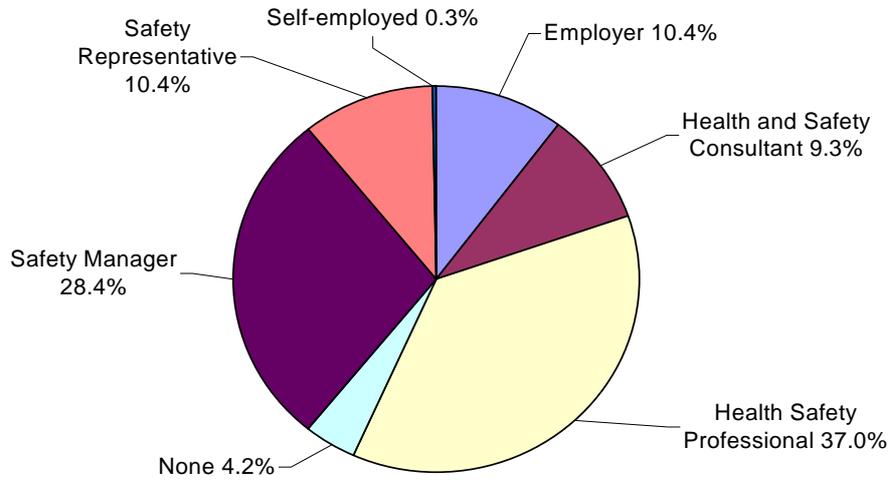


Figure 1 Role of respondents

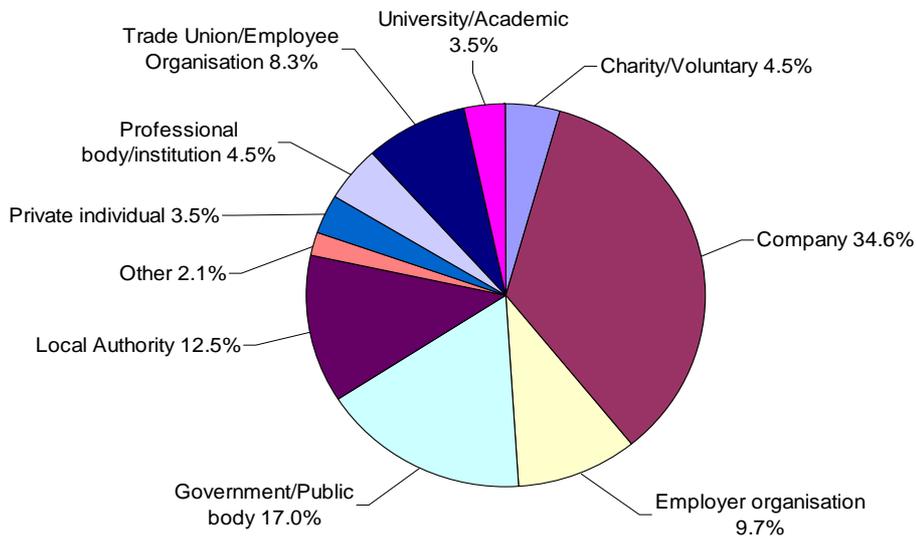


Figure 2 Organisational type of respondents

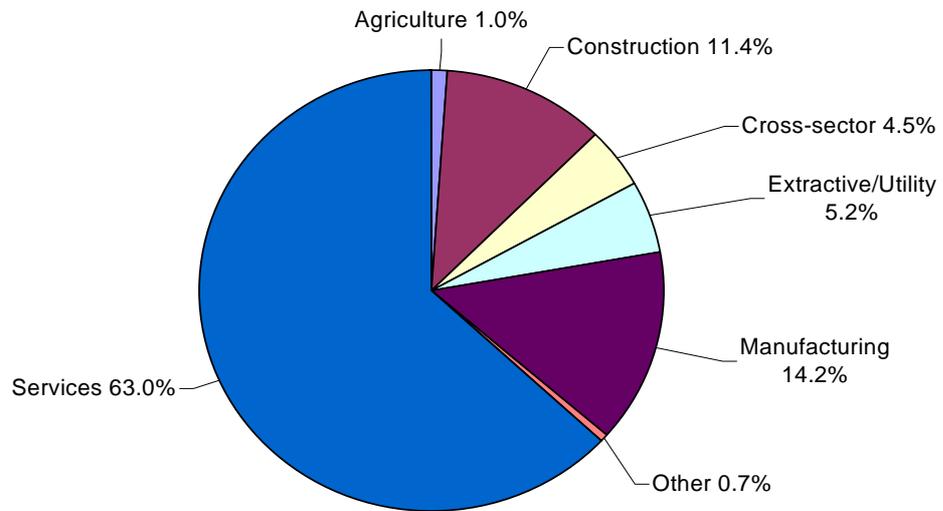


Figure 3 Respondent industry

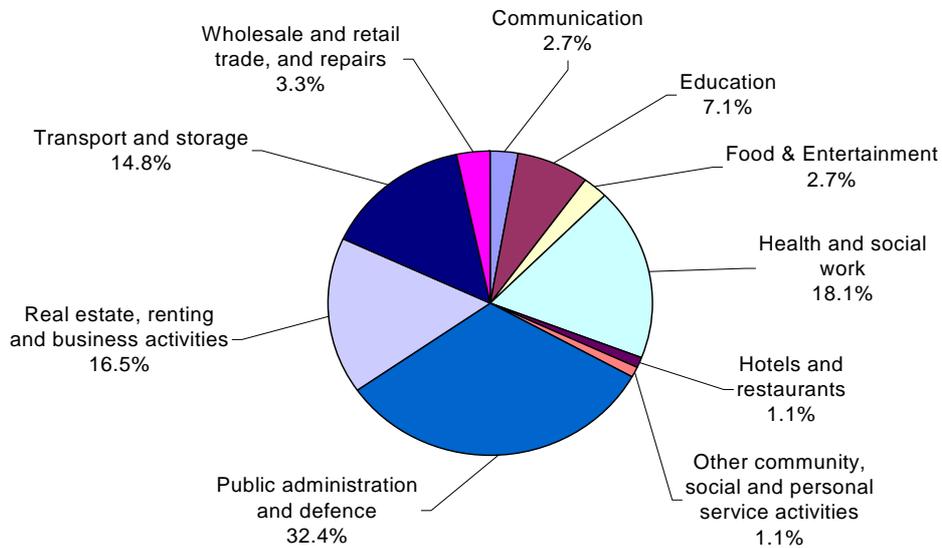


Figure 4 Breakdown of services industry responses

Figure 5 shows the size of the organisations who responded. The majority of respondents were categorised as *Over 250*, including employer organisations, professional institutions and trade unions, which each claim hundreds or thousands of members. Small and medium sized enterprises (SMEs) were not well represented.

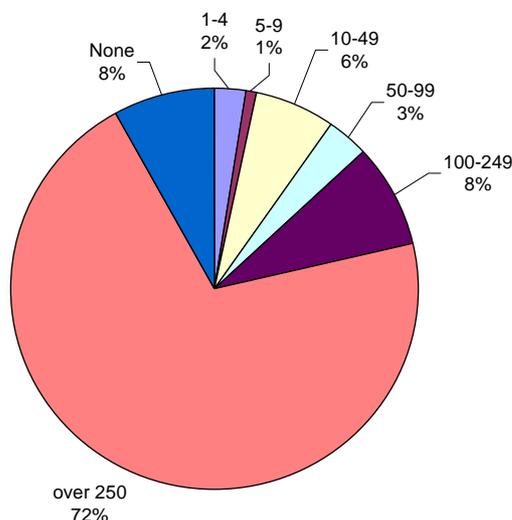


Figure 5 Size of respondents' organisations

MAIN PROPOSALS

Proposal 1:

Remove the current requirement on duty holders to report occupational diseases.

This issue was addressed in question six and discussed in paragraph 61. The analysis of comments regarding this proposal appeared to show that respondents were broadly divided in their support (see Figure 6). Distinct viewpoints became apparent, however, when examining the data for individual respondent categories:

- In favour: *Employer organisations, Safety Managers, Manufacturing and Major Hazard* industries.
- Against: *Trade unions and employee organisations, Safety Representatives, the Public administration and defence sector, and the Emergency Services.*

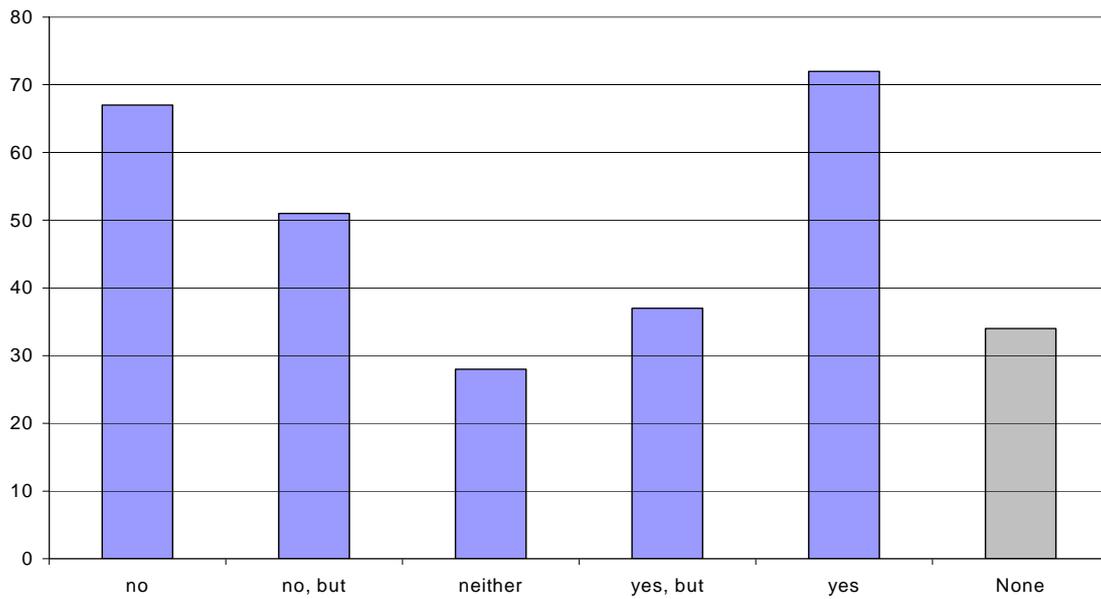


Figure 6 Range of agreement regarding the proposal to remove the requirement to report occupational disease

Respondents tended to agree that the proposal had implementation benefits, but that problems existed with the concept.

- **Benefits** of removing the requirement included the fact that RIDDOR data is considered too limited and it is thought that medical training or expertise is needed to be able to report occupational disease.
- **Problems** with removing the requirement included the belief that Occupational Health is an important issue; it is thought that removing it from RIDDOR would send the wrong message.

The majority of **suggestions** involved procedural changes such as:

- Finding an effective alternative data source
- Forming a link between the workplace and the clinic
- Clarifying definitions, triggers and requirements for reporting
- Developing an integrated, multi-agency approach

Proposal 2:

Remove or make changes to the current reporting requirement on duty holders to notify and report some dangerous occurrences.

This issue was addressed in question seven and discussed in paragraphs 62-63. Figure 7 shows that respondents were not in favour of this proposal. When looking at individual categories, *Safety Representatives* and respondents working within the *Education* and *Health and Social Work* industries offered the most unqualified rejection of the proposal.

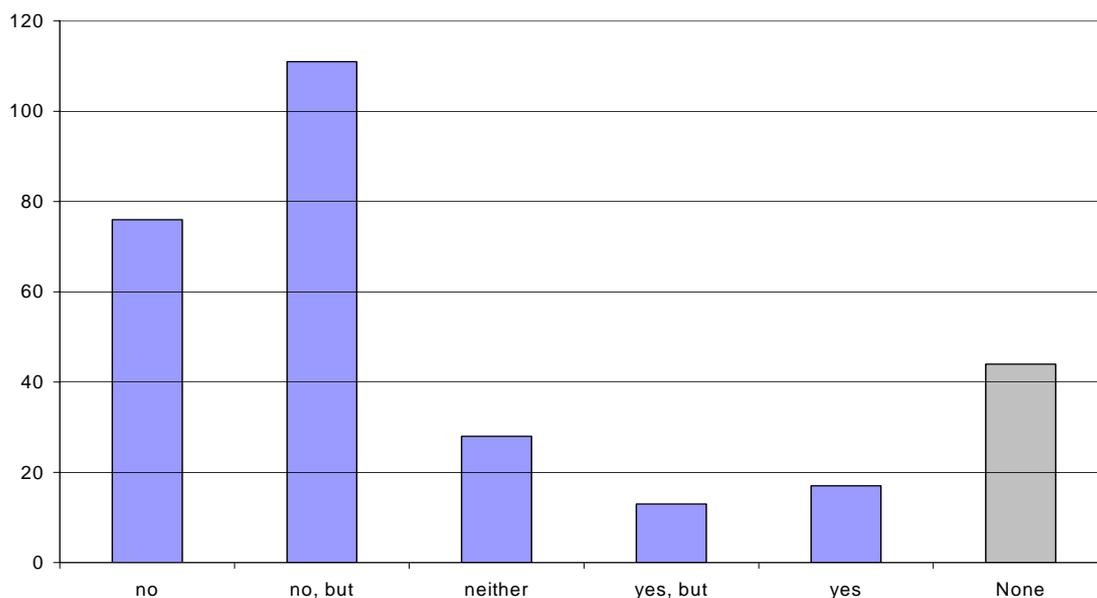


Figure 7 Range of agreement regarding the proposal to remove the requirement to report some dangerous occurrences

Respondents agreed that the proposal had implementation benefits, but that problems existed with the concept as follows:

- **Benefits** of removing the requirement focussed on the limitations of the current system, including the fact that the current requirements are considered confusing and ambiguous, and underreporting is a major issue affecting the usefulness of the data.
- **Problems** with removing the requirement emphasised the importance of dangerous occurrence data, and the belief that removing the requirement will reduce safety standards and levels of investigation.

Suggestions focussed on changes to the content of the requirement such as:

- Revising the list of reportable dangerous occurrences.

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- Changing the criteria by which dangerous occurrences are defined eg moving to a risk- or impact-based measure, or using more generic definitions.

This last point was addressed in question eight, which asked whether a goal-setting or generic approach to dangerous occurrences would be better than a prescriptive approach. The results can be seen in Figure 8. The majority of respondents favoured a move to a more generic or goal-setting approach, with the exception of *Trade union/employee organisations*, respondents working in the *Rail* sector, and the *Transport and Storage* industry.

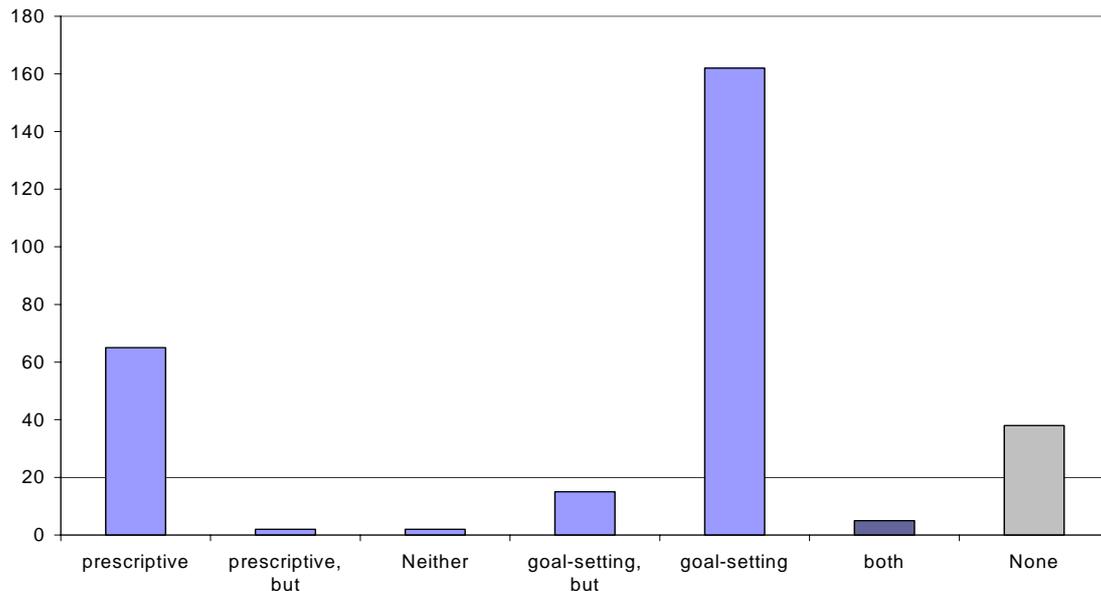


Figure 8 Chart showing opinion regarding whether to move towards a more goal-setting rather than prescriptive approach to reporting dangerous occurrences

Respondents felt that the proposal had implementation benefits and problems as follows:

- **Benefits** of a goal-setting approach were that it was felt that more incidents would be reportable under this approach.
- **Problems** with a goal-setting approach were thought to be that the clarity and objectivity of current definitions would be lost and that this approach would reduce reporting levels.

Suggestions involved the processes/actions required such as clarifying and generally improving the guidance for this requirement.

Proposal 3:

Remove the current reporting requirements on duty holders to notify and report “Major Injuries” replacing it with a requirement to report and record all work-related over-3-day absences.

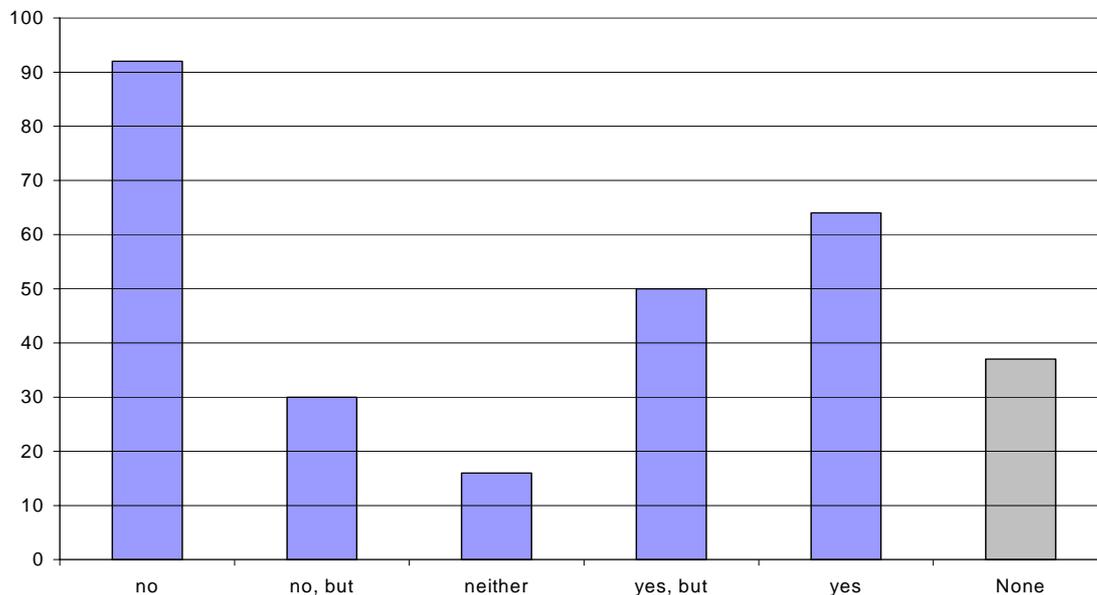


Figure 9 Range of agreement regarding the proposal to replace the major injuries reporting requirement with a requirement to report over-3-day absences

This issue was addressed in question ten and discussed in paragraph 64. The analysis of comments regarding this proposal appeared to show that respondents were broadly divided in their support (see Figure 9). Further analysis, however, showed slightly different profiles for each viewpoint:

- In favour: *Cross-sectoral* organisations and those working in the *Extractive/Utility* industry.
- Against: *Charity/ voluntary* and *University/ academic* organisations; respondents working in the *Transport and storage* industries; and those involved in the *Road* and/or *Rail* sector.

Respondents viewed the benefits and problems associated with the proposal in terms of its implementation as follows:

- **Benefits** of replacing the requirement included the view that looking at absence would be simpler and easier than the current requirement.
- **Problems** with replacing the requirement included the feeling that this would result in the loss of important data.

Suggestions involved the processes/actions required including:

- Developing clear guidance and definitions for any new system
- Improving the definitions used in the Major Injuries requirement

There were also suggestions involving the content of this requirement such as developing a system which uses a mixture of absence and major injury.

Proposal 4:

Consider whether to make “at work” work-related road traffic incidents reportable under RIDDOR.

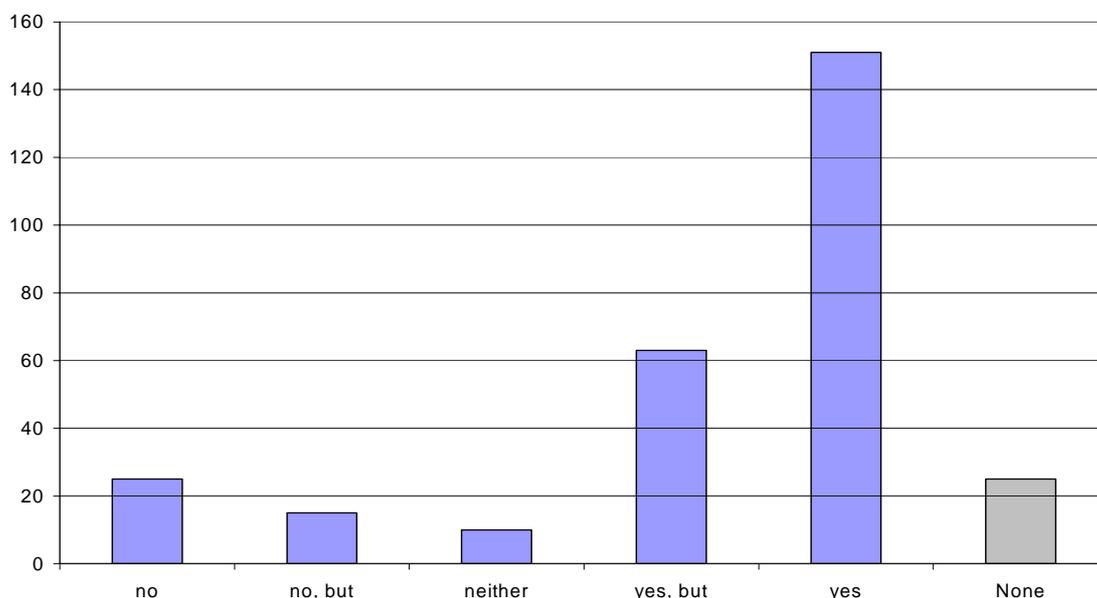


Figure 10 Range of agreement regarding the proposal for including work-related road traffic incidents in RIDDOR

This issue was addressed in question eleven and discussed in paragraphs 65-66. Figure 10 shows that the majority of respondents were in favour of this proposal. Negative views were more pronounced in the responses from *Employer organisations*, those working in the *Manufacturing* industry, and the *Major Hazards* sector.

Respondents assessed the proposal positively with regard to its concept, but foresaw problems in its implementation.

- **Benefits** of including road traffic incidents were that this is seen as an important issue, and one that would logically fall under RIDDOR by virtue of being work-related

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- **Problems** with including road traffic incidents included the feeling that this would increase the burden on organisations, the HSE and Local Authorities.

Suggestions involved the following processes/actions required if this requirement were to be included:

- Making sure that there would be clear guidance and definitions
- The HSE to work with the police

ADDITIONAL ISSUES

The use of alternative penalties (addressed in question 1)

Respondents were broadly divided in their support for the introduction of alternative penalties with the exception of the following categories:

In favour: *Public administration and defence, Trade union/ employee organisations, Safety Representatives.*

Against: *Charity/Voluntary organisations and Companies* tended to show less support for the concept as did *Safety Managers*, respondents working in the *Major Hazards* industries, *Manufacturing* and *Construction*.

Respondents generally provided comments regarding the implementation of this idea when discussing its associated benefits and problems:

- **Benefits** of alternative penalties were considered to be that this may encourage reporting and free HSE resources.
- **Problems** with alternative penalties were that it could result in a reduction in reporting and may not be effective due to underreporting and the possibility of large organisations absorbing the penalty costs into their budgets.

Suggestions focussed on the details of any future alternative penalty system such as:

- Linking fines to an organisation's ability to pay (or size).
- Using a sliding scale perhaps linked to the seriousness of the offence.

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Making an explicit link between RIDDOR and the Managing Health & Safety At Work Regulations 1999 (addressed in question 2)

The majority of respondents supported this idea. Negative views came from *Companies, Safety Managers* and those working in the *Construction* and *Manufacturing* industries.

Respondents generally felt that there were benefits with implementing the suggestion, but expressed concerns over difficulties with the concept as follows:

- **Benefits** of developing the link include driving dutyholder behaviour and may increase reporting.
- **Problems** with developing the link related to the feeling that the two regulations serve different purposes and that a more explicit link might limit organisations' view of Health and Safety Management.

Suggestions mainly involved legislative changes such as:

- Placing a specific duty on the employer to investigate.
- Altering the MHSW Regulations to cross-reference with RIDDOR requirements.

Driving dutyholder behaviour (addressed in question 3)

The majority of respondents felt that there were difficulties with the concept that RIDDOR could have any effect on dutyholder behaviour.

Suggestions tended to address the wider objectives of RIDDOR including:

- Encouraging employers to see RIDDOR as an aid
- Integrating RIDDOR into Health and Safety Management

Developing a wider system for sharing information and lessons learnt (addressed in question 9)

The respondents expressed an overwhelming majority view that the development of a system to enable the sharing of safety lessons was a good idea. Both benefits and problems were expressed in terms of the implementation of this idea.

- **Benefits** of developing a system to share information were felt to be that this would drive improvement, develop best practice, and help with setting targets and benchmarking performance.

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- **Problems** with developing a system to share information were felt to be that it would be difficult to implement such a system and to get smaller organisations involved. Concerns were also expressed regarding whether such a system would actually be used.

The majority of **suggestions** addressed the processes/actions required in setting up a system for sharing information such as:

- It must be voluntary and anonymous.
- The quality of data would have to be monitored in order to maintain standards.

THE KEY OBJECTIVES OF RIDDOR

This issue was addressed in question five. The majority of respondents agreed with the statement of key objectives set out by the HSE in paragraph 34. Respondents in the *Education* sector, *Trade union/ employee organisations*, *Charities*, and *Health and Safety Consultants* expressed the greatest disagreement. Comments regarding disagreement were usually that the stated objectives were too narrow in their scope.

The **objectives** suggested by respondents most frequently are:

- Providing information and guidance
- Influencing behaviour and improving Health and Safety Management

Suggestions included:

- Moving the focus of RIDDOR away from enforcement
- Addressing the conflict between information gathering and enforcement

The Discussion Document also asked respondents to express an opinion regarding whether the collection of statistical information should be disconnected from other RIDDOR objectives. The majority of respondents felt that statistical collection should remain a part of RIDDOR's remit, although *Local authorities*, *University/academic* organisations, and those working in the *Education* sector were more evenly divided on the issue.

Both problems and benefits were seen in relation to implementation issues.

- **Benefits** of disconnection were thought to be that alternative data sources are available, and the feeling that RIDDOR is not a reliable source of data.
- **Problems** with disconnection were considered to be that other sources are flawed and RIDDOR provides the best data available.

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Suggestions involved the procedural aspect of data gathering, in particular:

- The use of RIDDOR as one of many sources
- The need to evaluate other sources

SUMMARY

There is **mixed** support for:

- Removing the current requirement to report occupational disease.
- Replacing the Major Injuries requirement with a requirement to report all absence.
- The introduction of alternative penalties.

There is **little support** for:

- Changing the current requirement to report some dangerous occurrences.
- Disconnecting the collection of statistical information from other RIDDOR objectives.

There is **strong** support for:

- Moving to a more generic or goal-setting approach to dangerous occurrences.
- Making “at work” work-related road traffic incidents reportable under RIDDOR.
- Making an explicit link between RIDDOR and the Managing Health & Safety At Work Regulations.
- Developing a wider system for sharing information and lessons learnt.
- The key objectives set out in paragraph 34 of the Discussion Document.

EMERGING ISSUES

Few comments were made regarding the **positive** aspects of the current reporting system, however, some respondents mentioned that they use RIDDOR data to help them set targets and benchmark their performance. **Negative** aspects of the current system included:

- The feeling that RIDDOR as it stands is confusing and too complicated.
- The negative implications or consequences of reporting.

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The majority of general statements involved **suggestions** relating to the procedures of RIDDOR including:

- The need to clarify definitions.
- Extending the involvement of other parties, e.g. Safety Representatives, in the reporting process.

Where an opinion was expressed it was felt that **only small changes** should be made to RIDDOR.

During the analysis, the following issues emerged:

- **Awareness:** There is a significant lack of understanding regarding the reportability of different incidents and the sources that the HSE use to collect their data.
- **Underreporting:** This is considered a major problem, and a barrier to the successful implementation of many changes.
- **Positive image:** Respondents felt that communication with the HSE is usually enforcement related, and that there is little feedback or dialogue, which could help organisations improve their reporting procedures. There were also suggestions to develop and promote the benefits of RIDDOR reporting. This involves presenting RIDDOR as an aid or tool that the employer can utilise.

[Note – A copy of the draft Report is also available on request from the Enforcement Policy Unit. Please ring Francis McGuigan on 020 7717 6423.]