

Background to RIDDOR requirements, the review and findings from stage one.**Current RIDDOR Requirements** (Indicative compliance data based on 2004-2005 Statistics)

1. The current RIDDOR Regulations seek to:
 - Provide timely information to steer specific enforcement interventions;
 - Provide statistical intelligence data for targeting and measurement e.g. assisting Regulators in targetting efforts at higher risk/poorer performing workplaces;
 - Enable GB to meet European data collection obligations.

2. *Regulation 3* Notification and reporting of injuries and dangerous occurrences arising out of or in connection with work by the quickest practicable means.
 - Deaths - 220 received (near total compliance)
 - Major injuries to people at work - 30,000 (c. 50% of estimated total)
 - Over-3-Day injuries to people at work. These are accidents at work leading to more than three days absence from normal duties – 120,000 (c.50% of estimated total)
 - Fatal Injuries to people not at work (Members of the public) – 361 (near total compliance)
 - Injuries to people not at work (Members of the public) – 14,321 (compliance cannot be estimated)
 - Dangerous Occurrences (DOs). These are near-miss incidents where no-one is actually hurt e.g. lifting gear collapsing, spillage of hazardous substances etc – 9,000 (no estimate of actual levels of underreporting, although it is thought to be substantial except in specialist high-hazard industries (e.g. Rail which is likely to be full compliance) of which:
 - 3,900 General DOs
 - 4,400 Rail DOs
 - 420 Offshore DOs
 - 70 Mines DOs
 - 50 Quarries DOs

3. *Regulation 5* Reporting of cases of diseases. RIDDOR requires reporting of a limited range of disease/ill-health cases linked to those which lead to entitlement for industrial injury disablement benefit e.g. dermatitis, occupational asthma, carpal tunnel syndrome. RIDDOR does not cover stress, or many musculoskeletal disorders.
 - Some 2,500 diseases (less than 5% compliance)

4. *Regulation 6(1)* Requires reporting of death and injury from gas incidents and 6(2) requires CORGI registered installers to report dangerous fittings they find.
 - In total 3,800 reports of gas fatal and major injuries, and dangerous fittings.

5. *Regulation 7* Requirement to record reported incidents under Regulation 3, and 5. Records to be kept for at least three years from the date on which it was made.

Background to RIDDOR and previous reviews

6. Reporting by employers has a long history in health and safety law. More recently, the RIDDOR regulations were made in 1985 and last reviewed in 1995. This consolidated and simplified requirements and enabled paperless reporting. The system was then modernised and made more user-friendly in 2001 with the introduction of the Incident Contact Centre (ICC) allowing telephone and internet reporting.
7. Following a commitment to review RIDDOR in the 'Revitalising' Strategy Document (2000), HSE conducted a Discussion Exercise from April to June 2005. **Paper HSC/05/95 (December 2005)** presented the results of the Discussion Document, highlighting broad agreement that RIDDOR has flaws and that changes that simplify requirements are needed to address them and so improve compliance. The Commission noted that a fundamental review would be conducted, returning to the Commission in Summer 2006 with broad options for HSC to consider and provide a steer before a detailed costed package was prepared with a view to consultation.
8. The current system's fundamental flaws, include:
 - Under-reporting – the current RIDDOR is complex, compliance is poor and, given questions over the need for some of the reporting requirements, many duty holders are, arguably, unnecessarily criminalised;
 - Bias:
 - Formal enforcement driven by investigating RIDDOR reports is skewed, as it targets employers that comply. Others remain largely untargeted, yet it is arguable these employers are less likely to manage health and safety effectively.
 - Employers that do comply may be penalised in tendering processes where they are required to disclose the number of RIDDOR Reportable incidents and may lose out to employers who do not have any disclosed RIDDOR reportable accidents precisely because they do not comply and keep RIDDOR records.
9. The RIDDOR Review is grounded in the Commission's strategy and principles of enforcement. It is taking into account the current context of better regulation, particularly the desire to enhance HSC's reputation as a modern risk-based regulator, and is aiming for improved focus and significant simplification of the current RIDDOR requirements. Objectives for the Review are:
 - To ensure that the information on incidents required by statute, with criminal sanctions for failure to provide it, **is kept to the minimum necessary** for legitimate regulatory purposes, in particular enforcing authorities must have information to enable effective enforcement;
 - Information collection requirements to focus on what **enforcing authorities actually need** and can't gather in a more cost effective way;
 - A net reduction in the cost of administrative effort required of duty holders and enforcers by current RIDDOR requirements taking account of SMEs' specific needs;

- Continued compliance with European requirements (e.g. Framework Directive employer recording requirement).

Review Findings

10. The review identified the information enforcing authorities actually need and use to operate efficiently and effectively according to HSC's Enforcement Policy Statement and incident selection criteria, and explored related issues including RIDDOR's costs and motivational role.
11. Stage 1 established what statistics can and cannot provide and the broad reactive enforcement needs, for injuries and, in principal only, for ill health. In summary:
 - The framework Directive constrains us to require employers to record (but not report all) O3D injuries.
 - To continue to enforce according to the Commission's Enforcement Policy Statement HSE does not need to receive reports of O3D injuries, but does need timely reports of fatal and other serious injuries, including those related to gas supply.
 - LAs do use O3D data for reactive enforcement and local intelligence.
 - To continue to operate injury reduction programmes using current intervention techniques, information from reports of individual O3D injuries (or similar) are needed. Other statistical sources would not give the degree of detail to operate as we do now, particularly where manual handling or drilling down to individual employers is concerned.
 - The current disease/ill health reporting requirement is ineffective (c. 2500 received) and not used for statistical and programme purposes.
 - Statutory reports of dangerous occurrences, particularly for high hazard industries, are required for reactive enforcement purposes as a high proportion of the c.9000 received are followed up. However, there is scope for a review of requirements to simplify and restructure those that are not necessary for operational effectiveness. Colleagues in FOD and HID have examined the use of and challenged the need for DOs, provisionally identifying those that could be simplified, those that could be removed from RIDDOR, and those that must be retained for operational purposes. More detailed analysis is underway.
12. Stage 1 also looked into the cost of the current RIDDOR system for enforcing authorities:
 - The overall minimum annual cost to GB enforcing authorities is in the order of £2.25 million
 - This figure is made up of an overall annual cost of £1.3m contract cost of the ICC and £0.9m internal staff costs involved in management of the ICC and handling of reports transmitted via the internet from the ICC.
 - This cost is based on the minimum level of handling necessary for receiving reports and making a decision on whether to investigate.
13. Consultation on the RIDDOR review had raised concerns that there would be potential impacts on 'safety culture' from removing the requirement to report accidents, and more specifically that companies would no longer feel obliged to carry out adequate investigations. Some research involving interviews with medium to large manufacturing

companies was commissioned. The study found that there were other drivers more important than RIDDOR for investigation and prevention of accidents, such as pressure from parent companies and insurance.

14. Withdrawing requirements to report categories of incident could send the unintended message that these accidents, and their investigation, need not be taken so seriously. However, if we wish to promote learning through investigation, it is difficult to argue that RIDDOR reporting requirements are a valid means.