

RIDDOR Review Proposed Change Options

Abolition - Repeal RIDDOR

- Collect only essential reactive enforcement intelligence:
 - On deaths – via liaison with the police (our main initial source at present)
 - On serious injury – This would only work if we explore possibilities such as:
 - Relying on self-reporting by workers (considering the challenges this may pose);
 - Real-time information from the NHS;
- Abolish most general DOs but move those DOs applying to specialised and major hazard industries and the few general DOs derived from European requirements to other sector specific legislation;
- For European duty-holder recording requirement – explore alternatives such as enhanced accident book or ELCI record keeping.

Case against Abolition

- There is enough of a need for some of the information collected by RIDDOR that abolition is not considered to be a feasible option;
- Alternatives based on real time information exchange systems with other statutory bodies are not yet viable as the information handling systems are not yet sophisticated enough.

SIMPLIFICATION OPTIONS

1. Process – Simplify the reporting process

Independently of the potential for any change to the Regulations, there is scope to build on the customer friendly Incident Contact Centre reporting system. A simple, clear message that an accident at work can be reported over the phone or internet without unnecessary paperwork will enable us to highlight the ease of reporting more effectively than we do currently, particularly to smaller businesses.

2. Streamlining – Simplify some of the reporting requirements

Bearing in mind the objectives of the review, and the findings of our investigations into what information enforcing authorities actually need and use to operate efficiently and effectively, there is a strong case and wide support for A and B below. This would represent a low risk approach supported by consensus among enforcing authorities over impact on information needs.

A Removing the current Regulation 5 Reporting of cases of disease.

- But retain related areas of disease/ill health reporting covered in other requirements to report particular Dangerous Occurrences (DOs) for example escape or release of biological agents.
- Explore using the ICC as intelligent support for a new facility for GPs, workers and safety representatives to notify health issues.
- There is broad agreement that this reporting requirement is ineffective, with compliance estimated at less than 5%. This information is not used by HSE Health Programmes for targetting, and other sources have been used. It results in some enforcement, but this is

biased towards the few businesses that comply. Enforcement is better driven by proactive intervention based on the information we obtain from other sources.

- The schedule of reportable cases of disease are outdated, do not cover the current newer health issues (e.g. stress), and there are issues involving latency and ill health reporting.
- As removing the requirement would risk sending the message that HSE was no longer interested in work related cases of disease/ill health. Any proposed change would need to be accompanied by a communications strategy which reinforced the importance of good health and safety management practice beyond a reporting requirement which is in itself ineffective.

B Simplify the number of DOs which must be reported and recorded and remove those that are deemed as no longer required following further challenge.

- DOs in the major hazard and specialised industries are required to drive regulatory activity and are largely investigated. However, there is scope for simplification of DOs that are now outdated and therefore not required, particularly the general DOs that apply outside the specialised, high hazard industries.
- Simplification would focus on essential requirements and make these easier for duty holders to understand.

Streamlining would address the two areas where understanding and compliance is very poor. However, it would not simplify areas where poor compliance has significant impact on the skewed targetting of enforcement, or bias against employers who disclose reported accidents in tendering processes. HSE's judgement is that the likely benefits would not be worth the cost of change.

3. Radical – Overhaul of the current reporting system

A radical overhaul focussing on information needs and significantly removing complexity would attempt to address the issues of under-reporting by making the requirements easier to understand and comply with. This could reduce enforcement bias as better reporting levels would provide a more valid basis upon which to target interventions than the current levels of compliance which arguably skew enforcement unfairly towards those who comply with RIDDOR, whereas those who do not comply with RIDDOR are also less likely to manage health and safety effectively. Increased levels of reporting could also address bias against employers who comply, and are therefore able to disclose numbers of accidents in tendering processes, putting them at a disadvantage compared with those who do not comply and maintain accident records. A radical overhaul would involve the above elements of streamlining and additionally C, and D below.

C Greatly simplify the major injury reporting requirement

- Change the trigger from reference to a schedule listing 13 types of harm, to one simply where a worker is taken to hospital. This would align the major injury trigger for workers with the current one for injuries to non-workers (members of the public). The ICC can act as a filter and ask questions to determine whether the incident needs to be flagged up to the enforcing authority as a potential priority for action.
- This has the advantage of encouraging employers to comply by removing the confusion caused by being uncertain of requirements and enabling us to market a much simpler reporting requirements message. As well as improving compliance, simplifying should save time and effort, and reduce burdens on duty holders.
- Greater filtering at the ICC end would require changing the system and ensuring sufficiently trained staff to deal effectively with duty holders. However, the current system has already responded effectively to changes made to make it work better for both HSE and duty holders.

- Statistical work would be needed to manage the consistency of data across the point of change.

D Removing the requirement to report O3D accidents

- But O3D incidents would continue to be recorded, for example through an explicit requirement for employers to use Accident Books, **OR**
- Introduce a threshold for O3D reporting (but not recording) based on the size of the firm. It may be possible to exclude small undertakings with less than 10 employees from the duty to report as such data is used for statistics and intelligence rather than reactive enforcement. Recording could be linked more clearly to the accident book as above.

Potential Benefits of removing O3D reporting

- Would create a simpler regime than the current complex arrangements and confusion caused by the O3D requirement.
- Remove the burden of compliance with the recording requirement by more explicitly linking up with statutory systems employers are already aware of. This may in turn encourage greater compliance amongst duty holders, especially those who do not know they have not been complying, particularly SMEs.
- The above would maintain compliance with the Framework Directive's requirement for employers to record work related O3D accidents.

Risks and issues to consider

- HSE does not use this information for regulatory enforcement however, following discussion with local authorities (LAs) at the LACORS Health and Safety policy forum, the clear majority view put forward was that O3D injury reports were an invaluable source of information and it would impact on LAs business if the collection of these were to be stopped. A full submission of LA views on the need for O3D reporting is at Appendix (i).
- HSE should not underestimate the cultural message that removal of O3D may send to industry. It could inadvertently signal HSE was only interested in fatal and major injuries and result in attitudes to health and safety management suffering. Although this is a key risk, the review has found that RIDDOR is by no means the only driver for record keeping as part of good health and safety management practice. A Communication strategy associated with change would need to focus on reinforcing the importance of good health and safety management practice, and sending the message that RIDDOR requirements are complementary to, not a complete definition of dutyholder's responsibilities to keep records as part of establishing sensible management systems under the Management of Health and Safety at Work Regulations 1999.
- Removing the O3D reporting requirement would mean some reduction in the ability of the Injuries Reduction elements of the Fit3 Strategic Delivery Programme to target interventions at the sub-sector level. Resources would need to continue to be made available for enhanced surveys, which together with major injury data could provide much of the higher-level intelligence needed for more tactical targeting – the cost of this increases in proportion to the degree of sophistication/detail required. However, to completely replicate the level of data obtained from O3D reports would be more costly and burdensome (on employers) than RIDDOR.
- Sectors also have a need for O3D data to build effective working relationships with stakeholders that will last longer than the current Fit3 programme. Enhanced surveys and major injury data could not replace the O3D intelligence used to finely target interventions by HSE sector staff.
- Alternative ways of acquiring this level of data would not be guaranteed to be as easy, as reliable, or detailed **but** dismissing alternatives as a possibility when in pursuit of a better system that improved on 40-50% compliance would also be a risk.

This radically simpler requirement would make promoting the duty to small firms much easier and would address the problem of complexity and focus on improving compliance in essential areas. The likely benefits would outweigh the cost of change and it is HSE's view that it is only worth proceeding further with changes to RIDDOR if the radical option is consulted on.

4. Do Nothing – Retain RIDDOR as it is.

- If the risks of change are deemed too great to change the requirements in any way, retaining RIDDOR as it is would mean we would continue to use the information that we do receive, for the purposes that they are currently used, supplementing this as necessary without impacting on the system in any way.
- But, RIDDOR is clearly regarded as flawed, and agreeing to no change may be difficult to support, particularly as the findings of the first stage of the review have identified areas where there is a requirement for information that we do not use for effective enforcement.
- However, independently of the potential for any change to the Regulations, there is scope to build on the customer friendly Incident Contact Centre reporting system. A simple, clear message that an accident at work can be reported over the phone or internet without unnecessary paperwork will enable us to highlight the ease of reporting more effectively than we do currently, particularly to smaller businesses.