

**LA viewpoint on Over Three day injury statistics – Initial justification for keeping Over 3 Day reporting.****Overall view**

Following discussion at the LACORS Health and Safety policy forum (made up of representatives from Heads of Service of Environmental Health and Environmental Health Officers with a specialist role in Health and Safety, from each English region and Wales and Scotland) the clear majority view put forward was that Over three Day (O3D) injury reports were an invaluable source of information and it would impact on local authorities' (LAs) business if the collection of these were to be stopped.

**Understanding the LA enforcement role**

Local authorities through the Enforcing Authority regulations have responsibility for many premises considered to be lower risk. However, in accordance with the HSC's Enforcement Policy Statement, LAs are still selective in dealing with areas of high risk within the premises they are responsible for.

It must be recognised that the premises LAs visit on a day-to-day basis are, unlike those HSE tends to deal with, predominantly small, locally-run businesses which are not part of large organisations, trade associations or coherent sectors. As a result LAs find O3D reporting invaluable and use it to a greater extent than HSE.

LA's are also accountable on a day to day basis to elected members who often hear of accidents on their 'patch' and wish to know what has been done as a consequence. This can be from a constituent viewpoint as well as local business.

From the RIDDOR reports to HSE 2004/05, a local authority may receive on average 0.04 fatals a year, 18 major injuries and 68 O3D reports plus those accidents to members of the public. The London borough of Camden received 0 fatals, 43 major injuries and 133 O3D injuries in 2005/06. In 2005/06, Nottingham City Council received 158 O3D reports and investigated 23 of them. This clearly indicates that although not all accidents are investigated, the reports nevertheless highlighted the need for a number of interventions. In terms of high risk premises maybe 100 out of 20,000 in an urban area could be designated high risk, so very few premises will routinely get inspected. The rest of the businesses receive health and safety information either through leaflets/websites, programme work or when they have an accident / complaint.

**Why local authorities believe O3D reports to be an invaluable source of information**

## Risk-based Targeting

Local authorities do not investigate all O3D accidents that come in to them but receiving these reports helps them to get a clearer idea of the issues in the local area and facilitates a risk-based approach to target action where it is most needed. The argument that only the good performers report via RIDDOR overlooks the fact that the information provided by one business can indicate problems in similar businesses which are failing to report and is therefore immensely valuable.

Accident reports come from all premises whether assessed as low risk or not and given that Section 18 guidance severely limits low risk contact any indication that things are not as they should be or that the premises activity has changed as revealed by the nature of the accident, is invaluable information which will almost certainly generate a visit. This will probably lead to a revision of risk score.

The data collected is vital in providing the bigger picture needed to justify the deployment of resources to senior management and elected members when targeting particular sectors/ topic areas; for example, by explaining why the local authority is looking slips and trips in the retail sector rather than another area. Over 3 days are a way to identify and subsequently target premises for national initiatives such as Fit 3 and many of the priority area programmes are more likely to result in O3D than major/fatalities e.g. backs, slips, trips etc.

Hampton sets out the idea of alternative enforcement such as using seminars and educational events in order to influence and communicate with businesses. The O3D injury reporting allows local authorities to use the information provided to take a risk-based approach to targeting these alternative enforcement interventions at those considered to be most in need of this information.

The O3D reports are also useful in alerting local authorities to underlying issues within companies – for example if they get a similar number of accidents within a short timeframe then this can alert the authority about an underlying issue to be addressed. Without this information it would not be possible to identify and action this. An example of this is the introduction of slip mats around fruit and vegetable areas in supermarkets after O3D reporting illustrated the trend for slips and trips to occur in these areas – this has been to the benefit of a wider population. There have been occasions where a series of reports from an individual large premises has indicated a need to investigate further what may be at first sight appear to be trivial issues which when looked at together justify action.

## Local Information

Local authorities are there to serve their communities and deal with local companies and as such timely information is extremely important. The O3D injury reports provide local authorities with relevant local information and may

therefore alert authorities to purely local phenomena which would otherwise be overlooked. Again this helps LAs justify why they are using their resources, what impact this is having and why they are targeting a set of specific businesses. It would be difficult to do this with yearly surveys or other high level information.

### Degree of injury

If someone is off for O3D then they are generally off for a considerable time (affecting days lost targets), this has serious implications for the business, and for the injured person. Investigating and learning from these cases could help in reducing further accidents which would impact on sickness absence targets. These accidents are serious for those affected by them and it is often the case that there are very important lessons to learn from these which would not be picked up under the current major injury definitions.

### **Other implications**

#### Partnership

The LACORS policy forum (representing view of all LAs) recommended to the RIDDOR review team that O3D injury reporting should not be part of the consultation. As one half of the health and safety enforcement resource in GB the local authority viewpoint should be taken into account. This will be seen as an important test of the balance of the partnership.

#### Resources

Local authorities are under huge strain following the Gershon and Hampton reviews to make the best of the resources that they have. They are required to demonstrate what resources are being used for and more importantly why and what information they have to back this up.

There are two types of work that LAs are involved in and dedicated to in terms of health and safety. One side is a level of service that is expected of them especially by the community and that will include dealing with complaints, investigating accidents. The second area is the time LAs have committed to carrying out programme work. There is a potential risk to the health and safety resource of GB if it is perceived that work in terms of accident investigation will be taken away.

If this is the case then HSC along with LACORS and LAs will have to work together proactively to manage the potential views of senior management and elected members. It may be considered that health and safety teams no longer need this resource because the number of potential accident investigations required to be undertaken is reduced.

## Messages to Business

To abolish the need to notify without having in place a suitable alternative means of capturing these incidents sends the wrong signal to employers. It is not a demanding process given the ease to which businesses can now report accidents via email, web, telephone or fax via ICC and effort should therefore continue to be made to encourage notification.

It also seems appropriate to make employers realise that O3D injuries are significant and that they may indicate the need to review risk assessments or implement additional controls and drive improvements which otherwise may not have taken place. A lack of reporting may indicate to employers that it is not that important, resulting in nothing changing. Such apathy could result in further O3Ds, with no action being taken unless major injuries occur.

## **Conclusion**

If a clear alternative to O3D reporting could be set out, identifying what information would be received, how this is different from the present system in terms of rectifying the current flaws of under-reporting and bias, and the costs, then it may be easier for LAs to see potential in changing the system.

LAs accept there are major problems with ill health reporting and fully recognise that the current system is not working. They are therefore happy to suggest a change to the system. However their view is that a jointly agreed alternative must be in place before the old system is revoked.

LAs receive very few Dangerous Occurrences and so support the simplification of Dangerous Occurrences reporting and also agree to the simplification the major injury definitions.

LAs are not currently satisfied with the removal of O3D injury reporting for the reasons above.