

Health and Safety Executive Board		HSE/ 14 /43	
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Update of HSE's Incident Selection Criteria (ISC)

Purpose of the paper

1. To inform the Board of the update to be made to HSE's current ISC necessitated by recent amendments to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

Timing

2. Urgent. The most recent changes to RIDDOR came into effect on 1 October 2013. The existing ISC are therefore already incompatible with current reporting requirements.

Background

3. HSE's ISC provide a transparent basis for prioritising the selection of reported incidents for investigation ("mandatory investigations.") Whilst predominantly concerned with incidents reportable under RIDDOR, ISC principles also inform decision-making with regard to the investigation of other incidents notified to enforcing authorities, including HSE, whether reportable or not under RIDDOR. (e.g. fatal incidents to self-employed persons, reports from the emergency services, organisations undertaking medical surveillance or concerned victims or their representatives.)

4. The ISC were last revised in 2010. Since then RIDDOR has been amended twice in response to Government de-regulation initiatives (the Lord Young Report and the Loftstedt review) such that they now require updating.

Argument

5. There are three main drivers necessitating revision of the current ISC:
- Changes to RIDDOR definitions and terminology arising from RIDDOR 2013.
 - The need for a consistent approach to the application of ISC principles to serious incidents which are not or are no longer reportable under RIDDOR.
 - The Board's earlier concerns about the potentially negative impact of the 2013 changes on operational effectiveness, particularly in relation to ill-health.

6. The updated criteria are set out in Annex A and, for comparison, the 2010 ISC are set out in Annex B. The key revisions are highlighted in the table below with appropriate explanation and justification for the changes:

Existing ISC	Revised ISC	Comment
Title: Criteria for selection for investigation of RIDDOR notifications.... except “gas incidents” reported under Reg 6(1) and 6(2)	Title: Criteria for selection for investigation of notified work-related accidents, ill-health and dangerous occurrences New paragraph outlining “Scope” of ISC	Simplifies title, clarifies that ISC principles apply to incidents reported via other means Excludes gas incidents. Reference to gas incidents appears in the first paragraph headed ‘Scope’.
1. Fatalities a. All fatalities as a result of an incident arising out of or in connection with work activities	a) use of simplified phrase “work-related accident” b) insertion of “other deaths arising from a preventable work-related cause...”	Consistent with simplified language of RIDDOR 2013 Clarifies approach to work-related fatalities which arise other than from an “accident,” and/or where there is the likelihood of a serious H&S breach and where it is appropriate for enforcing authorities to investigate. e.g. incidents involving crew members whilst loading/unloading in dock.*
2. Non-fatal injuries to any person Lists 9 categories of injury for mandatory investigation.	2. Non-fatal injuries to any person List of mandatory investigations consolidated and revised to reflect RIDDOR 2013 terminology	No substantial changes to the types of non-fatal injuries which give rise to a mandatory investigation. Categories (1) and (2) consolidated into (b.) Categories (5) and (9) consolidated into (g.)
3. RIDDOR (Schedule 1) defined major injuries arising from working in a confined space or an electrical incident.	Revised to reflect RIDDOR 2013 terminology and included in (2) above	
4. Occupational diseases All reports of cases of occupational disease which meet the criteria of reportability under RIDDOR, except those arising from circumstances/situations	3. Occupational diseases a. retains requirement to investigate reported cases of RIDDOR-reportable disease b. additional requirement to investigate reported cases	Nb. The number of RIDDOR-reportable diseases is significantly reduced in RIDDOR 2013 Provides scope for the investigation of serious

which have already been investigated.	with potential to cause death or serious ill health arising from ongoing working practices. E.g. noise induced hearing loss, various poisonings (lead etc).	occupational ill-health cases (which may previously have been reportable under RIDDOR,) prioritising those where there is a likelihood of ongoing risk to workers
5. Serious breach of health and safety law including incidents likely to give rise to serious public concern where, in accordance with the Enforcement Management Model, the national enforcement expectation would determine a notice or a prosecution.	4. Incidents which indicate a likelihood of a serious breach of health and safety law	No substantive changes. Wording revised to reflect the fact that some degree of investigation is necessary to determine whether a serious breach has actually occurred. Reference to EMM “national enforcement expectation” corrected to “initial enforcement expectation.”
6. Major hazard precursor events as identified within HSE’s business plan and relevant workplan for each HSE Operational Directorate.	5. Major hazard precursor events	No changes.
*some suicides in health and social care could be classified within this paragraph – a further review of this area may be necessary in line with CQC arrangements and taking account of Section 3 guidance.		

Devolved Administrations

7 RIDDOR is not a devolved matter.

Action

8. The Board is invited to note the changes to be made to HSE’s ISC in the updated version (Annex B).

Paper clearance

9. This paper was cleared by the HSE Regulation Committee on 13 May 2014.

Annex A

Revised Incident Selection Criteria 2014

Criteria for selection for investigation of notified work-related accidents, ill-health and dangerous occurrences.

Scope: The following criteria apply to all relevant incidents notified to enforcing authorities. Predominantly, notification will be via RIDDOR reports, but the criteria remain relevant for notifications received via other means (e.g. contact by emergency services.) “Gas Incidents” reported under RIDDOR reg. 11 are excluded, as these are subject to separate requirements.

1. Fatalities (Work-related deaths):

- a. **All** work-related accidents which result in the death of any person, including non-workers. “Accident” specifically excludes suicides* and deaths from natural causes.
- b. Other deaths arising from a preventable work-related cause,* where there is a likelihood of a serious breach of health and safety law, and where it is appropriate for enforcing authorities to investigate.

*In some circumstances e.g. in health or social care, the risk of suicide may arise from the work activity. In such cases, the HSC/E guidance on the application of HSWA section 3 should be applied. This guidance also clarifies those circumstances when investigation by enforcing authorities is appropriate e.g. in relation to areas regulated by other regulators and legislative regimes, such as clinical judgment and practice. See: [Enforcement - Health and Safety at Work etc Act 1974 - Section 3](#)

2. All work-related accidents resulting in a “Specified Injury” [RIDDOR Reg. 4(1)] to any person, including non-workers, that meet any of the following conditions:

- a. Serious multiple fractures (more than one bone, not including wrist or ankle);
- b. All amputations other than amputation of digit(s) above the first joint (e.g. fingertip);
- c. Permanent blinding in one or both eyes;
- d. Crush injuries leading to internal organ damage, e.g. ruptured spleen;
- e. Any burn injury (including scalding) which covers more than 10% of the surface area of the body or causes significant damage to the eyes, respiratory system or vital organs;
- f. Any degree of scalping requiring hospital treatment;
- g. Loss of consciousness caused by head injury or asphyxia;
- h. Any injury arising from working in an enclosed space which leads to hypothermia or heat induced illness, or requires resuscitation or hospital admittance for more than 24 hours.

3. Cases of Occupational Disease:

The following notifications of cases of occupational disease, other than those arising from circumstances or situations which have already been investigated:

- a. **All** reports of cases of occupational disease which are reportable under RIDDOR Regulations 8 – 10, specifically:
 - i. Carpal Tunnel Syndrome,
 - ii. Cramp in the hand or forearm,
 - iii. Occupational dermatitis,

- iv. Hand Arm Vibration Syndrome,
 - v. Occupational asthma,
 - vi. Tendonitis or tenosynovitis in the arm or forearm,
 - vii. Any cancer attributed to an occupational exposure to a known human carcinogen or mutagen,
 - viii. Any disease attributed to an occupational exposure to a biological agent.
- b. Other reports of cases of occupational disease with the potential to cause death or a “serious health effect” as defined in EMM, and which arise from working practices that are likely to be ongoing at the time the report is made.

4. Incidents which indicate a likelihood of a serious breach of health and safety law:

This includes any incidents considered liable to give rise to serious public concern, where, from the facts known, the application of the Enforcement Management Model would give rise to an initial enforcement expectation of a notice or a prosecution.

5. Major hazard precursor events:

All relevant precursor events as identified within the HSE business plan, and the relevant work plans of each HSE Operational Directorate.

Annex B

Incident Selection Criteria 2010

Criteria for selection for investigation of RIDDOR notifications (except gas incidents reported under Reg 6(1) and 6(2))

1. **Fatalities:** All fatalities as a result of an incident arising out of or in connection with work activities. This specifically excludes suicides* and deaths from natural causes.

*In some circumstances e.g. in health or social care, the risk of suicide may arise from the work activity, in which case HSC/E guidance on the application of HSWA section 3 should be applied. Please see: [Health and Safety at Work, etc Act 1974 section 3: Enforcement](#)

2. Injuries to all persons, including non-employees, irrespective of cause that meet the following conditions:

1. all amputations of digit(s) past the first joint;
2. amputation of hand/arm or foot/leg;
3. serious multiple fractures (more than one bone, not including wrist or ankle)
4. crush injuries leading to internal organ damage, e.g. ruptured spleen;
5. head injuries involving loss of consciousness;
6. burns and scalds covering more than 10% of the surface area of the body;
7. permanent blinding of one or both eyes;
8. any degree of scalping; and
9. asphyxiations.

3. RIDDOR (Schedule 1) defined major injuries arising from working in a confined space or an electrical incident.

4. Occupational diseases All reports of cases of occupational disease which meet the criteria of reportability under RIDDOR, except those arising from circumstances/situations which have already been investigated.

5. Serious breach of health and safety law including incidents likely to give rise to serious public concern where, in accordance with the Enforcement Management Model, the national enforcement expectation would determine a notice or a prosecution.

6. Major hazard precursor events as identified within HSE's business plan and relevant workplan for each HSE Operational Directorate.