



RIDDOR & the importance of accident reporting



with:

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Today we will cover...

- The importance of properly reporting accidents and incidents
- How to report accidents and incidents to RIDDOR
- The status of COVID-19 as a reportable illness
- Important definitions
- Two recent case studies

Introduction

Employers and those in control of premises are required to report specific health and safety incidents to the Enforcing Authorities.

The reported incidents enable the Enforcing Authorities to identify organisations that fail to maintain good health and safety standards and to select incidents for investigation.

The Health and Safety Executive also produce statistical information from these incident reports, enabling them to target areas of high risk, produce relevant guidance and introduce appropriate safety campaigns (e.g. falls from height, workplace transport and slips, trips and falls).

Case Study 01

Failure to submit a RIDDOR report, following a serious amputation accident, has resulted in a builder receiving 24-weeks imprisonment and ordered to pay costs

Case study 01 1/2

- Westminster Magistrates Court heard how an employee became trapped under an excavator and resulting in his leg being amputated. He had been working on a clearing site in New Malden so that a new house could be built. The excavator tipped and trapped his leg.
- HSE started their investigation more than 8 months after the incident when the employee complained. By this time, the works had already been completed and the evidence relating to the incident was no longer available. They found that employee had no formal training for operating an excavator.

Case study 1 2/2

- Paul Adams, the employer, did not investigate the incident; and had no health and safety records or employer's insurance cover. Mr Adams had not obtained any health and safety training during his 50 years in the construction industry. He had also failed to RIDDOR report the incident within 10 days, as is required.
- Mr Adams pleaded guilty to a breach of Regulation 3(1) of the Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013. He received a 24-week custodial sentence and was ordered to pay costs of £2,033.
- This case reinforces the importance of employers knowing their health and safety obligations; providing the correct equipment; training their staff and ensuring that RIDDOR reports are lodged promptly.

Case Study 02

The Director of a construction company has been jailed for eight months after failing to ensure the safety of a young worker who sustained serious injuries as a result of the negligence. David Gordon Stead of Beddau has been sentenced to imprisonment after pleading guilty at Cardiff Crown Court to breaching s.4(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

Case study 02 (1/2)

- The court heard how the young worker was told to stand on top of a skip and pour a drum of flammable thinners onto the burning waste to help it 'go up'. This resulted in a fireball, which blew the worker from the skip, and caused substantial burns to his arms and legs.
- The succeeding investigation by the Health and Safety Executive (HSE) found that the Director of DS Quality Construction Services Ltd had not ensured the burning of the waste material was carried out in a safe or appropriate manner. Furthermore, Stead had failed to administer any first aid to the injured worker, had not sent him for any medical attention, and had not fulfilled the legal obligation of reporting the incident to HSE.
- The event was only reported sometime after by a third party. Stead has been sentenced to 16 weeks in prison with a further 16 weeks on release under licence. He has also been disqualified from being a Company Director for seven years.

Case study 02 (2/2)



This unfortunate case highlights the crucial role that Directors play in Health and Safety management.

“In the year since the Sentencing Guidelines for England and Wales came into force, there have been demonstrable increases in the number and level of fines imposed on organisations who break the law.

“Furthermore, the move to risk-based sentencing has seriously raised the stakes for both organisations and the senior managers who have ultimate responsibility in law.” Speaking after the case, HSE Inspector Adele Davies says:

“The young man suffered unnecessary life threatening injuries due to poor working standards.

“We hope this sentence sends out a message that directors of businesses must take their health and safety responsibilities seriously.



Stephen Thomas, Croner Health and Safety Expert

Legal duty

Regulations require employers to report to the Enforcing Authorities:

- Fatal injuries that arise out of or in connection with work and death occurs within 12 months of the initial incident.
- A fatality that is the result of an exposure to a biological agent.
- Defined major injuries to a person at work.
- Work-related injuries to members of the public that result in the person being taken from the site of the accident to a hospital for treatment.
- Other injuries to a person at work that result in them being unable to carry out their normal work for more than 7 days.
- Specified dangerous occurrences (near-misses).
- Listed cases of occupational ill health.
- Incidents involving the supply and use of gas.

Reportable incidents 1/2

Cause the death of any worker (whether your employee or not) due to injury or occupational ill-health, within 12 months of the incident.

- Cause the death of a person not at work (a client, customer, visitor, member of the public etc.) where the death is related to an accident or event at the workplace in the previous 12 months.
- Cause a major injury to a worker.
- Prevent an employed person, this includes people working on your premises who are not your direct employees e.g. a contractor or a delivery driver, from performing their normal work for more than seven consecutive days (excluding the day of the accident but including non-working days).

Reportable incidents 2/2

- Cause a person not at work (a client, customer, visitor, member of the public, etc.) to be taken to a hospital for treatment (in-patient or out-patient) for any injury or condition.
- Cause a dangerous occurrence.
- Gas incidents (reportable only by businesses that supply gas by pipeline or in refillable cylinders and not considered further in this guidance).
- Cause specific work-related cases of occupational ill-health.

When does the report need to be made and how do I make it? – Serious incidents

- Where an incident results in death, within 12 months of the initial injury, or a major injury the authorities must be notified by phone as soon as possible after the event.
- Report the incident to the Incident Contact Centre (ICC) on **0845 300 9923** between 8.30 am and 5.00pm Monday to Friday. Even though reported by phone these incidents must also be reported on-line within 10 days of it occurring.
- An 'Out of Hours Duty Officer' can only be contacted on **0151 922 9235** when the ICC is closed following:
 - serious incident where there have been multiple casualties.
 - an incident which has caused major disruption such as evacuation of people, closure of roads, large numbers of people going to hospital etc.

When does the report need to be made and how do I make it? – other reportable events

- Injuries to a member of the public taken to hospital for treatment, injuries to employees which cause them to be unable to do their normal work for more than 7 days, cases of occupational ill-health, gas incidents and dangerous occurrences must be reported as soon as reasonably practicable and within 15 days of the event or of the employer becoming aware of the diagnosis of a reportable case of occupational disease.
- Reports must be made over the Internet. The web addresses are:
 - Reportable injuries – <https://notifications.hse.gov.uk/riddorforms/Injury>
 - Dangerous occurrences – <https://notifications.hse.gov.uk/riddorforms/DangerousOccurrence>
 - Occupational disease – <https://notifications.hse.gov.uk/riddorforms/Disease>
 - Gas incidents – <https://notifications.hse.gov.uk/riddorforms/FlammableGasIncident>
 - Dangerous gas fittings – <https://notifications.hse.gov.uk/riddorforms/DangerousGasFitting>

What happens once a report is made?

- The ICC redirects your report to the authority responsible for the site of the reportable incident. Remember to request a copy of any report you make over the internet. Without a copy, and in the event of a dispute or a civil claim, you will find it extremely difficult to prove that a report was ever made.

Reporting work related cases of COVID

- Socially transmitted illness are not normally reportable under RIDDOR. However, the HSE has issued specific guidance in respect of COVID-19.
- Members of the public and non-work-related cases:
 - There is no requirement to report incidents of disease or deaths of members of the public, patients, care home residents or service users from COVID-19.
- Employees and people at work:
 - The reporting requirements relating to cases of, or deaths from, COVID-19 apply only to occupational exposure, that is, as a result of a person's work.

When are RIDDOR reports required?

Reports under RIDDOR are required in the following circumstances:

- an accident or incident at work has, or could have, led to the release or escape of coronavirus. Examples are, a sample from a COVID-19 patient breaks in transit and spills out and a cluster of workers who have travelled to a worksite in the same vehicle or have worked closely contact COVID at the same time.. This must be reported as a dangerous occurrence
- a person at work (a worker) has been diagnosed as having COVID-19 attributed to an occupational exposure to coronavirus. This must be reported as a case of disease
- a worker dies as a result of occupational exposure to coronavirus. This must be reported as a work-related death due to exposure to a biological agent

What changed with RIDDOR 2013

The main changes were to simplify the reporting requirements in the following areas:

- the classification of 'major injuries' to workers was replaced with a shorter list of 'specified injuries'
- the existing schedule detailing 47 types of industrial were replaced with eight categories of reportable work-related illness
- fewer types of 'dangerous occurrence' require reporting

There were no significant changes to the reporting requirements for:

- fatal accidents
- accidents to non-workers (members of the public)
- accidents which result in the incapacitation of a worker for more than seven days
- Recording requirements remain broadly unchanged, including the requirement to record accidents resulting in the incapacitation of a worker for more than three days.

What is FFI

- If the HSE visit your workplace and find that you are in material breach of health and safety law, you will have to pay for the time it takes them to identify what is wrong and to help you put things right. This is called a fee for intervention (FFI).
- If you don't break the law, you won't pay anything. Dutyholders who comply with the law, or where there is no material breach, will not be charged FFI for any work that HSE does with them.

Who FFI applies to

It applies to dutyholders where HSE is the enforcing authority. This will include:

- employers
- self-employed who put others at risk
- public and limited companies
- general, limited and limited liability partnerships
- Crown and public bodies

What the law says

The Health and Safety and Nuclear (Fees) Regulations 2021 say that a fee is payable to HSE if:

- a person is contravening or has contravened health and safety laws; and
- an inspector is of the opinion that the person is or has done so, and notifies the person in writing of that opinion.

What is a Material Breach?

A material breach is something which an inspector considers serious enough that they need to formally write to the business requiring action to be taken to deal with the material breach. If the inspector gives you a notification of contravention (NoC) after their visit, you'll have to pay a fee. The NoC must include:

- the law that the inspector considers has been broken
- the reason(s) for their opinion
- notification that a fee is payable to HSE

Where an inspector simply gives you advice, either verbal or written, you won't have to pay anything for this advice.

How much it costs

It currently costs £160 an hour. The fee will include the costs covering the time of the entire original visit. The total amount recovered will be based on the amount of time it takes HSE to identify the breach and help you put things right (including associated office work), multiplied by the hourly rate.

Your fee may include the inspector's time:

- at your business or workplace
- preparing reports
- getting specialist advice
- talking to you after the visit
- talking to your workers

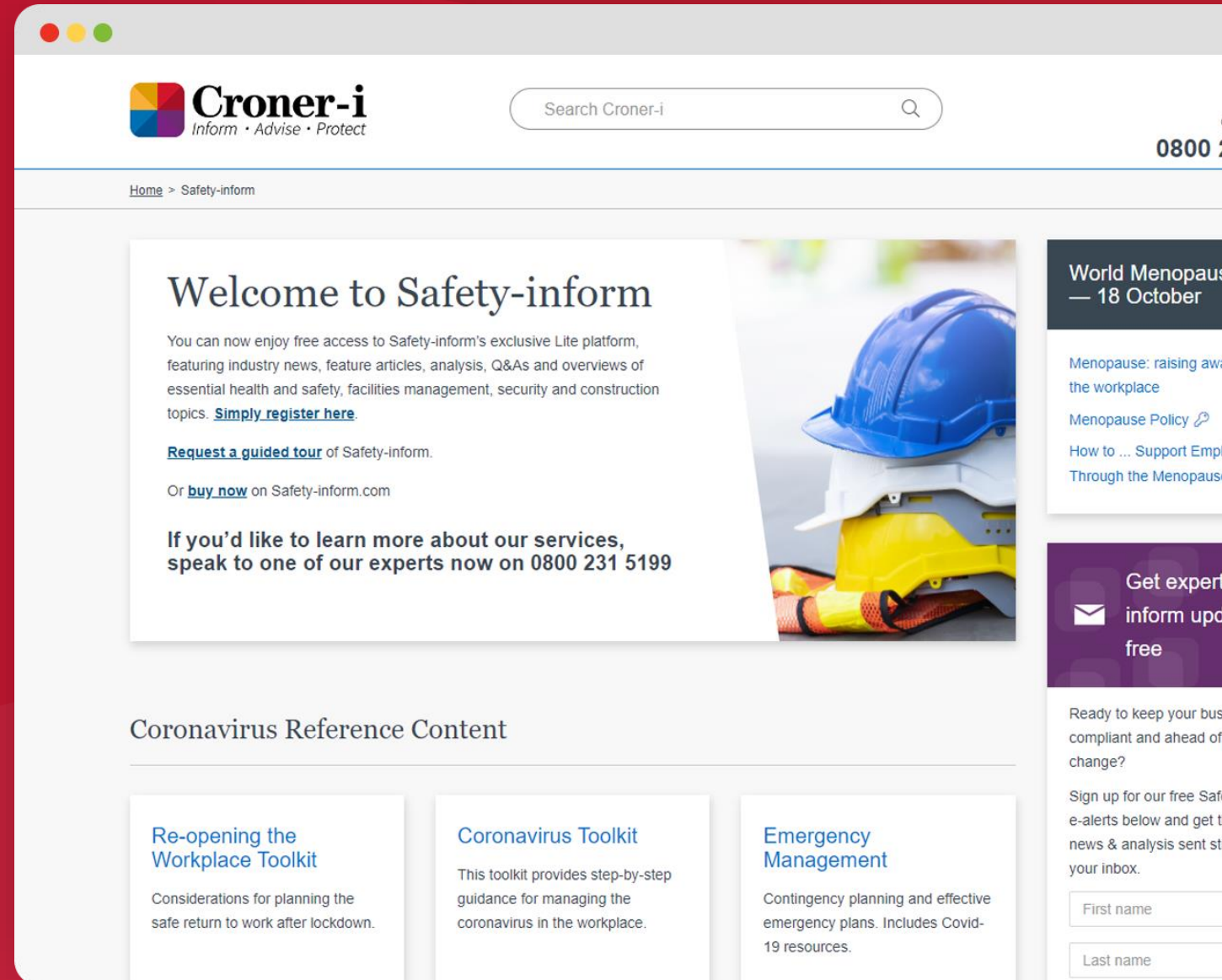
The fee can vary depending on:

- how long the original visit was
- the time the inspector spent helping you put things right
- the time it took the inspector to investigate your case
- any time we spend on taking action against you

Next steps

- A member of Zoe's team will give you a call to receive your feedback
- To find out more about what Croner-i's Safety-inform platform can offer you, follow this link

<https://www.safety-inform.co.uk/>





Safety-inform

THANK YOU



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