



## Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (“RIDDOR”)

The RIDDOR<sup>1</sup> regulations requiring employers, self-employed people and premise controllers to report any work-related death, major injury, disease or dangerous occurrence (near miss) are being amended from 1 October 2013.

The reform is part of Government's wider drive to clarify and, where possible, simplify health and safety compliance.

A number of the key recommendations of these reports have already been implemented eg in April 2012 the number of consecutive days a person must be incapacitated as a result of a work related accident before there is an obligation to report, was increased from three to seven days.

The further revisions now being implemented (see changes box) reflect a more fundamental review.

### RIDDOR October 2013 changes

- List of specified reportable injuries simplified and shortened, eg:
  - dislocations no longer reportable;
  - fractures only reported where diagnosed by a registered medical practitioner;
  - only blinding or loss of sight which is likely to be permanent now reportable; and
  - acute illnesses no longer reportable only death, cancer or occupational disease caused by exposure to carcinogens, mutagens and biological agents.
- List of reportable dangerous occurrences clarified and shortened: eg no longer report incidents involving:
  - carriage of dangerous substances by road;
  - failure of fairground equipment; and
  - failure of any freight container in its load bearing parts.
- List of reportable ill-health conditions simplified and shortened: eg 47 specified ill-health conditions replaced by eight occupational disease categories<sup>2</sup>.
- Reportable dangerous occurrences in the rail-sector simplified. Suicides on the railways no longer reportable.

### Requirements which will remain the same as under RIDDOR 1995

For the avoidance of doubt, no changes are being made to the current:

- Recording requirements<sup>4</sup>;
- Reports of fatal accidents;
- Reports of accidents involving non-workers including members of the public;
- Reports of accidents which incapacitate workers for more than seven days; and
- The requirements to preserve certain incident sites at mines, quarries and off-shore workplaces pending investigation and subject to overriding safety needs.

### Background

The revision of RIDDOR (and its guidance) was a key recommendation in Lord Young's 2010 report 'Common Sense, Common Safety' and subsequently, one of Professor Löfstedt's further recommendations in his November 2011 report<sup>3</sup>.

### Impact

RIDDOR 2013 is likely to reduce the reporting burden and clarify the process for reports that do still need to be made. However the overall implications are not yet clear.

The HSE has published guidance that explains the new requirements further and provides examples of what does and does not require reporting. The guidance is available for download for free from the HSE website: <http://www.hse.gov.uk/pubns/indg453-rev1.pdf>

The following box tries to capture the reporting obligations under the amended RIDDOR.

<sup>1</sup> Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

<sup>2</sup> Including specifically: Carpel Tunnel Syndrome (CTS); dermatitis, Hand Arm Vibration Syndrome (HAVS); asthma and tendonitis.

<sup>3</sup> 'Reclaiming Health and Safety for All: An independent review of health and safety legislation' published at <http://www.official-documents.gov.uk/document/cm82/8219/8219.pdf>

<sup>4</sup> Reports are made to the relevant enforcing authority (usually the Health and Safety Executive (HSE) or local authority).

## What are your obligations under RIDDOR 2013?

- The main types of reportable incidents are:
  - Work related fatalities (including where an employee dies within a year and as a result of suffering a non-fatal injury falling within the regulations)
  - Non-fatal injuries to workers if falling within the specified reportable injuries set out in the regulations, for example blinding/loss of sight likely to be permanent and amputations
  - Injuries to non-workers where the person is taken to hospital for treatment
  - Dangerous occurrences (“near misses”) if falling within the categories of occurrences set out in the regulations
  - Occupational diseases if falling within the categories of diseases set out in the regulations
  - Work related injuries (regardless of their nature) which incapacitate a person for over seven days (excluding the day of the accident)
- For injuries, fatalities and dangerous occurrences the relevant enforcing authority:
  - must be notified by the quickest practicable means without delay; and
  - must be sent a report of the incident in an approved manner within 10 days of the incident
- For injuries incapacitating a worker for over seven days, a report must be sent to the relevant enforcing authority in an approved manner:
  - as soon as practicable; and
  - in any event, within 15 days of the accident.
- For reportable diseases a report of the diagnosis must be sent in an approved manner to the relevant enforcing authority without delay.
- There are specific reporting requirements for incidents at mines and quarries.
- As well as reporting the above to the relevant enforcing authority, a record of all reportable incidents must be kept for at least three years from the date on which the record was made.
- A record of all incidents where a worker has been incapacitated for more than three consecutive days must also still be kept, even though there is no obligation to report. A record in an employer’s accident book, required to be kept under the Social Security (Claims and Payments) Regulations 1979 will be sufficient for these recording purposes.

## Contact

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