

CHAPTER 5

Report! RIDDOR and the Accident Book

Introduction

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) requires employers, persons in control of premises or the self-employed, depending on the circumstances, to report work-related accidents, diseases and dangerous occurrences.

RIDDOR applies to all activities at work – but not all incidents are reportable.

The HSE has produced a leaflet about how to report incidents and where (see Safety Reps' Signposts). The HSE's Incident Contact Centre acts as a central reporting point for RIDDOR report. Until 11 September 2011 it is possible to report incidents by e-mail, telephone, fax, internet form or post. From 12 September 2011 reporting will be done mainly on line and no longer by post or fax. See: www.hse.gov.uk/riddor.

Unfortunately, there is considerable under-reporting by employers (it is estimated that at least 50% of RIDDOR reportable incidents are not reported). It is particularly important for safety reps to be aware of the provisions of RIDDOR so that they can help to ensure that RIDDOR reporting requirements are met by their employer and opportunities for prevention are not missed.

Safety reps who may become involved in this issue are advised to study RIDDOR very carefully as there is insufficient space here to include all the important information about reporting.

Who is covered by RIDDOR?

Everyone present in the workplace – including employees, contractors and visitors.

What information should be recorded?

RIDDOR requires employers to record the following details of any accident, dangerous occurrence or disease at work.

- The date and time of the accident or dangerous occurrence.
- The particulars of the person affected e.g. name, occupation and nature of injury or condition.
- The place where the accident or dangerous occurrence happened.
- Brief description of the circumstances
- For diseases the following information is required:
 - The date and diagnosis of the disease
 - The occupation of the person affected
 - The name and nature of the disease.

What sort of incidents must be reported?

- The death of any person arising from a work-related activity must be notified without delay.
- All major and serious accidents and injuries must be notified without delay. These include any fracture (except to finger, thumb or toe); amputation; dislocation of shoulder, hip, knee or spine; loss of sight (temporary or permanent); a chemical or hot metal burn to the eye or any penetrating injury to the eye; any injury from electric shock or burn leading to unconsciousness or requiring resuscitation or admittance to hospital for more than 24 hrs. The full list is found in Schedule 1 of RIDDOR.
- If a person suffers from a reportable work-related disease then it must be reported immediately – examples are cancer, dermatitis, some poisonings, occupational asthma, anthrax, legionellosis, tetanus, asbestosis and mesothelioma. The full list is found in Schedule 3 of RIDDOR.
- Dangerous occurrences as defined in schedule 2 of RIDDOR should be reported without delay. These would include incidents involving explosives, relating to pipelines, collapse of scaffolding, malfunction of breathing apparatus, involving contact with overhead lines, involving a road tanker or tank container used for the carriage of dangerous goods.
- Incidents connected with work, including violence, where the person cannot do their work for three days or more after the incident, must be reported within 10 days.

Safety reps' rights to inspect after notifiable incident/disease or dangerous occurrence (including a near miss)

Quick and accurate investigation of accidents and near misses can ensure that they are not repeated and that any injured person obtains the appropriate compensation. It is very important to keep a written record of what you observe.

Safety Representatives and Safety Committees Regulations 1977 (SRSC)

Under the SRSC reps have the following rights both in general and in relation to accidents, diseases and dangerous occurrences:

- Investigate dangerous occurrences and causes of accidents (**Reg 4(1)(a)**).
- Make representations to the employer on behalf of members, represent members in discussions with health and safety inspectors and receive information from inspectors (**Reg 4(1)(c), (d), (f) and (g)**).

After a notifiable accident, dangerous occurrence or disease

- Inspect where there has been a notifiable accident or dangerous occurrence, or a notifiable disease has been contracted, and it is safe for an inspection to be carried out, and the interests of workers in the group or groups which safety representatives are appointed to represent might be involved. Those safety representatives may carry out an inspection of the part of the workplace concerned, and so far as is reasonably practicable to do so, they shall notify the employer of their intention to do so (**Reg 6(1)**).
- Receive help, facilities and information from the employer to enable them to carry out inspections effectively. This includes facilities for independent investigation by safety representatives and private discussions with workers (**Reg 6(2)**).
- Examine any relevant machinery, plant, equipment or substance in the workplace so that the cause can be determined and the actions to prevent recurrence can be considered (Guidance Note 26). This must not disturb or damage any evidence before an inspector from the enforcing authority has investigated (Guidance note 28).
- If the employer needs to take urgent action to safeguard against further hazards then the employer should notify the safety representative in writing of any action taken (Guidance note 27).

Access to Information

- To inspect and take copies of any document relevant to the workplace or to the employees that the safety rep represents (this can be withheld in some limited circumstances) (**Reg 7**).
- To inspect information that the employer keeps relating to the occurrence of any accident, dangerous occurrence or notifiable industrial disease and any statistical records relating to these. (**Reg 7 ACOP par 65(c)**).
- All such statistics should be studied at the safety committees so problem areas can be identified and priorities set (Guidance note 41).
- In the case of these inspections, extra expertise from outside the organisation may be needed. This may be agreed between the employer and the unions, or the safety reps may call in their own advisers with the employer's agreement.
- Any report made by a third party to the safety reps should also be given to the employer.

Remember the accident book

Every attempt should be made to record and act upon near miss information and ill health (such as upper limb disorders) and not just the "accidents" themselves. Workplace statistics derived from this source provide essential information for safety committees so they can monitor and ensure that

preventive action is taken. Information recorded in the accident book can also provide valuable evidence in the event of a compensation claim by a member.

The specific legal requirement to keep an accident book is found in the Social Security (Claims and Payments) Regulations 1979. These regulations sit alongside RIDDOR and Regulations 24 and 25 are particularly relevant:

The Social Security (Claims and Payments) Regulations 1979

Notice of Accidents – Regulation 24

Require the injured worker or person acting for them to give the employer specific details of accidents as soon as practicable either in writing or orally. These are as follows:

- Full name, address and occupation .
- Date and time of accident.
- Place where accident happened.
- Cause and nature of injury.
- Name and address and occupation of person giving notice, if other than the injured person.

Unite strongly recommends that the person who has suffered the injury checks the details recorded in the accident book (particularly if these have been entered by a third party) to make sure they are a true record of what happened. This would apply whatever recording system is used, whether it is a paper or electronic system. If members have any concerns about the process they should contact their Unite safety representative for advice especially with regard to disclosure of information and how that information may be accessed and used by their Unite safety representative.

Please see below for more information about disclosure of information.

Obligation of Employers – Regulation 25

Requires the employer to investigate the circumstances of every accident reported and record the circumstances. It also requires employers with ten or more employees to keep an accident book that is readily accessible. All accidents in the workplace must be recorded in the book and records must be kept for a minimum of three years after the last recorded entry.

The Accident Book, Data Protection and disclosure of information

A few years ago, the HSE revised the accident book to comply with the Data Protection Act 1998. The book is now designed so that individual record sheets can be removed and stored securely. As a result any individual recording an accident is unable to access the personal details of previous records. The new book also contains some basic first aid information, as well as information about employers' duties under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).



Disclosure of information from the accident book to safety representatives

HSE's web advice on this issue is as follows:

Safety representatives are legally entitled to inspect records of accidents that employers have to keep under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). The Accident Book BI510 is a valuable document that organisations can use to record accident information as part of their management of health and safety.

A tick box is included on each page of the Accident Book asking whether the injured person gives his or her consent to the disclosure of the information contained in that record to safety representatives.

The employer should:

- if the injured person has ticked the tick box (and signed the form), disclose the information contained in the accident record, so far as it relates to the injured person, to safety representatives and/or representatives of employee safety;
- anonymise the information if the injured person does not tick the tick box and disclose it to safety representatives and/or representatives of employee safety.

The arrangements to pass on this information should be discussed between employers, employees and/or their representatives. The aim should be to make the best possible use of this (and other) information to meet health and safety objectives. By following this approach you and your employer will not be infringing the Data Protection Act (DPA) or confidentiality law.