

**EXPLANATORY MEMORANDUM TO  
THE REPORTING OF INJURIES, DISEASES AND DANGEROUS OCCURRENCES  
REGULATIONS 2013**

**2013 No. 1471**

**1.** This explanatory memorandum has been prepared by the Health and Safety Executive (HSE) on behalf of the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (“these Regulations”) revoke and replace the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (“the 1995 Regulations”).<sup>1</sup> These Regulations simplify and clarify the requirements for informing enforcing authorities about serious work-related accidents and incidents (known as the “RIDDOR” regime), implementing the recommendations in Professor Löfstedt’s report ‘Reclaiming Health and Safety for All: An independent review of health and safety legislation’.<sup>2</sup>

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

These Regulations have been drafted on the basis that when an amending instrument is revoked, the amendments it makes lapse and the instrument that was amended reverts to its original drafting. This accounts for the approach taken by regulation 1(2) and (3), and the amendments to SI 1977/500, SI 1988/1729 and SI 1989/971 in schedule 4.

**4. Legislative Context**

4.1 In 2011, Professor Löfstedt’s report ‘Reclaiming Health and Safety for All: An independent review of health and safety legislation’ identified a number of issues associated with the 1995 Regulations. In particular, the report identified concerns that the categories of incidents that were required to be reported were unnecessarily complicated. Professor Löfstedt recommended that RIDDOR and its associated guidance be amended to provide clarity for businesses on how to comply. The Government accepted this recommendation, and undertook to have revised regulations in place by October 2013.

4.2 The RIDDOR regime implements aspects of various EU Directives and provides the national reporting framework necessary for the effective regulation of health and safety at work. Most significantly from an EU perspective, RIDDOR implements Article 9(1)(c) of Council Directive 89/391/EEC concerning measures to encourage the improvement of the health and safety of workers.<sup>3</sup> This provides that employers

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/1995/3163/contents/made>

<sup>2</sup> <https://www.gov.uk/government/publications/reclaiming-health-and-safety-for-all-lofstedt-report>

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989L0391:en:HTML>

shall keep records of occupational accidents resulting in the incapacitation of a worker for more than three days, and make reports of accidents to the national authority. Reports made under RIDDOR inform the provision of statistics to the EU as required by Regulation (EC) No. 1338/2088 on Community statistics on public health and safety at work.<sup>4</sup>

- 4.3 In addition, RIDDOR implements a number of reporting requirements deriving from various sector-specific and hazard-specific EU Directives as specified within the Transposition Note at Appendix 1.

## **5. Territorial Extent and Application**

This instrument applies to Great Britain and extends to premises and activities specified in the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013.

## **6. European Convention on Human Rights**

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

*What is being done and why*

- 7.1 The Löfstedt Review recommended that incident reporting requirements should be clarified and simplified. The 2010 report by Lord Young, ‘Common Sense, Common Safety’ had previously recommended that HSE re-examine the operation of RIDDOR to determine whether it was the best approach to providing an accurate national picture of workplace accidents.<sup>5</sup> Both recommendations were accepted by Government, who undertook to implement new regulations by October 2013.
- 7.2 In furtherance of these recommendations, HSE conducted a public consultation on proposals for substantially revised RIDDOR reporting requirements. In addition to achieving greater clarity and simplicity, the proposals sought to: focus on obtaining information required for effective regulation; cease collecting data that can otherwise be obtained or is rarely used; and to maintain compliance with commitments arising from EU commitments.
- 7.3 As informed by the consultation process, the regulations significantly modify the requirements governing which incidents require reporting to the Enforcing Authority. The main changes made by these Regulations are:
- A simplified and shortened list of specified reportable injuries (“major injuries”) to workers sustained as a result of a work-related accident;
  - A clarified and shortened list of reportable dangerous occurrences (near-miss events);

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<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:354:0070:0081:EN:PDF>

<sup>5</sup> <https://www.gov.uk/government/publications/common-sense-common-safety-a-report-by-lord-young-of-graffham>

- A simplified and significantly shortened list of reportable ill-health conditions in workers (replacing 47 specified ill-health conditions with 8 categories of work-related diseases);
- A simplified list of dangerous occurrences within the rail-sector, and removal of the requirement to report suicides on railways.

7.4 No changes are being made to:

- Recording requirements;
- 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. (This requirement was changed from a three-day incapacitation period by the Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 2012,<sup>6</sup> (“the 2012 Regulations”) as recommended by Lord Young to align with the point at which an employee who is absent from work through injury or ill-health must obtain a “fit note” from their doctor.)
- Requirements to preserve certain incident sites at mines, quarries and offshore workplaces pending investigation and subject to overriding safety needs.

#### *Consolidation*

7.5 The 1995 Regulations consolidated a large number of discrete reporting provisions in sector-specific instruments, bringing together requirements relating to different subject areas. As those different regimes were updated, therefore, the 1995 Regulations were updated to reflect new terminology. These Regulations revoke those amending provisions in addition to the 1995 and 2012 Regulations.

These Regulations also make a number of consequential amendments to sector-specific instruments which make reference to the RIDDOR regime. The amendments update those references, such that they continue to make reference in the same way to the new RIDDOR regime.

## **8. Consultation outcome**

8.1 HSE consulted on proposals for new, simplified regulations over a 3-month period between 2nd August and 28th October 2012. 450 responses were received from a broad cross-section of industry sectors, with a high proportion of respondents from businesses (38%).

8.2 The consultation confirmed that, in addition to fulfilling regulatory requirements, incident data associated with RIDDOR requirements is used within businesses and other organisations for a variety of purposes, including: to trigger internal investigation processes; to facilitate trend analysis and to facilitate safety performance benchmarking with comparable organisations. There was no consensus suggesting that changing reporting requirements would impact on health and safety management standards more widely, and this is reinforced by recent research undertaken by the

<sup>6</sup> <http://www.legislation.gov.uk/ukxi/2012/199/contents/made>

Health and Safety Laboratory into the impact of changes to RIDDOR incapacitation periods made in 2012.<sup>7</sup> Over 60% of respondents did, however, report that they had experienced some difficulty or uncertainty associated with the existing reporting requirements, confirming the need for simplification and clarification.

8.3 Development of the 2013 RIDDOR regulations was particularly influenced by responses in the following areas:

- There was a clear consensus in favour of aligning the definition of a reportable “major injury” with the criteria used by Enforcing Authorities to prioritise regulatory investigations. This has been implemented.
- The majority of respondents were not in favour of removing the reporting requirement for non-fatal accidents to non-workers (including members of the public.) This proposal attracted strong negative comments, and there was no unanimity of support for the proposal within any sector, including businesses. As a consequence, this proposed change has not been implemented.
- The proposal to restrict occupational ill-health reporting requirements to those necessary to fulfil EU Directive obligations also attracted strong negative comments, the predominant concern being the loss of timely information to Enforcing Authorities, which facilitates regulatory intervention to address health hazards. As a consequence, occupational ill-health reporting requirements have instead been significantly simplified and reduced, replacing 47 specified ill-health conditions with 6 categories of work-related diseases and a further 2 categories of cancers or diseases attributable to occupational exposure to carcinogens, mutagens and biological agents.
- Most respondents supported the simplification and reduction of the list of reportable dangerous occurrences. This has been implemented.
- Most respondents agreed that there should be no change to incident recording requirements.

8.4 The consultation also sought information to improve the data in the consultation stage Impact Assessment. HSE economists provided specific questions for inclusion within the Consultative Document, dealing with the costs associated with preparing and submitting incident reports. Responses have informed the development of the final stage Impact Assessment.

8.5 A summary report on the consultation is available on HSE’s website.<sup>8</sup>

## 9. Guidance

HSE intends to publish guidance prior to the instrument coming into force on 1 October 2013. This guidance includes:

- A leaflet summarising the main changes to reporting requirements, available as a free download on the HSE website.
- Detailed web-based guidance on the new reporting criteria, with examples of reportable and non-reportable incidents.

<sup>7</sup> <http://www.hse.gov.uk/aboutus/meetings/hseboard/2013/300113/pjanb1304.pdf> Annex 6

<sup>8</sup> <http://www.hse.gov.uk/consult/condocs/cd243-responses.pdf>

- Clearer, simplified web-based guidance relating specifically to the reporting criteria for accidents to non-workers. (This was specifically identified as an area requiring clarification by Professor Löfstedt.)
- A revised, simplified publication (L73 TBC) also available as a free download on the HSE website.

## **10. Impact**

- 10.1 The impact on business, charities, voluntary bodies and other organisations with reporting duties under RIDDOR is a net benefit to business of approximately £270 thousand over a ten-year equivalent period through a reduction in the number of reports required. In addition, the simplification and clarification of the reporting requirements is anticipated to yield a non-monetised benefit to businesses through reduced time and effort in determining whether incidents are reportable or not.
- 10.2 The impact on the public sector is a net saving to central and local government of £1 million over the same ten-year period.
- 10.3 The Regulatory Policy Committee approved the final stage Impact Assessment in February 2013. A copy will be published in the BIS Impact Assessment Library and on [www.legislation.gov.uk](http://www.legislation.gov.uk).

## **11 Regulating small business**

The legislation is deregulatory and therefore applies to small business to allow them to benefit from the reduced regulatory burden.

## **12 Monitoring & review**

A statutory review clause has been included in the Statutory Instrument.

## **13. Contact**

Dave Charnock at the Health and Safety Executive, Tel: 01228 634 115 or email: [david.charnock@hse.gsi.gov.uk](mailto:david.charnock@hse.gsi.gov.uk), is the initial point of contact for queries regarding the instrument.

## **Appendices**

Appendix 1 – Transposition Note – EU Directive Requirements implemented in the Statutory Instrument.

**TRANSPOSITION NOTE**

This note sets out the way in which these Regulations revoke and re-enact the 1995 Regulations, with some changes, in relation to EU requirements transposed by them.

These Regulations do what is necessary to implement the following provisions of certain EU instruments (other aspects of which are transposed by existing legislation):

<b>Provision</b>	<b>Purpose</b>	<b>Implementation</b>	<b>Responsibility</b>
<b>Article 9(1)(c) and (d) of Council Directive 89/391/EEC</b>	Requiring the recording and reporting of certain occupational accidents.	Regulations 4 and 6	Secretary of State
<b>Article 3 of Council Directive 92/91/EEC</b>	Requiring the reporting of serious accidents and situations of serious danger at gas and oil drilling sites, including offshore.	Regulations 4, 6 and 7	Secretary of State
<b>Article 3 of Council Directive 92/104/EEC</b>	Requiring the reporting of serious accidents and situations of serious danger at mines and quarries.	Regulations 4, 6 and 7	Secretary of State
<b>Articles 7 and 14 of Directive 2000/54/EC</b>	Requiring the reporting of potentially hazardous releases of biological agents and cases of illness attributable to occupational exposure to biological agents.	Regulations 7 and 9	Secretary of State
<b>Article 14 of Directive 2004/37/EC</b>	Requiring the reporting of cases of cancer arising from occupational exposure to carcinogens and mutagens.	Regulation 9	Secretary of State
<b>Article 5 of Directive 2004/49 EC</b>	Requiring certain common reporting criteria for accidents and incidents in the rail sector.	Regulations 4, 6 and 7	Secretary of State
<b>Regulation (EC) No 1338/2008</b>	Requiring the provision of statistics on workplace fatalities and accidents.	Regulations 4, 6, 8 and 12	Secretary of State
<b>Clauses 9 and 10<sup>9</sup> of Council</b>	Requiring the reporting of certain incidents in the	Regulation 7	Secretary of State

<sup>9</sup> The Directive consists of 5 Articles which implement the Annex containing the eleven clause Framework Agreement between HOSPEEM and EPSU.

<b>Directive 2010/32/EU</b>	healthcare sector associated with needlestick and similar injuries.		
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