

Reporting of injuries, diseases and dangerous occurrences 2013 (RIDDOR) – ignore them at your peril.



Safety Bulletin 21

In the recent case of R (HSE) v Paul Adams 2021, there is a salutary reminder of the importance of prompt reporting of serious accidents to the appropriate regulatory authority.

RIDDOR places an obligation on employers (and in certain cases others) to notify the appropriate authority of accidents resulting in specified injuries, disease or occurrence which arise from a work-related activity. Reg 4 of RIDDOR sets out the specified injuries which must be reported. It includes amputations. It also includes accidents which result in absence from work for more than seven consecutive days. The report to the regulator in respect of specified injuries must be made within 10 days (15 days for seven-day absences).

This is a self-reporting requirement and places the burden firmly on the duty holder to report serious accidents, usually to the HSE.

The report is the first notification to the HSE and is usually the catalyst for any HSE investigation. A failure to report can have serious consequences for the duty holder as Mr Adams found to his cost.

The Case

Mr Adams was engaged in constructing a two-storey house in New Malden. He employed a Simon Lewis to assist. On 18 January 2019, Lewis was clearing part of the site using an excavator, which tipped and trapped his leg. His leg was subsequently amputated. Mr Adams did not report the accident in accordance with RIDDOR. Mr Lewis, however, did lodge a complaint with the Health and Safety Executive some 7 months later. Mr Adams had no EL insurance, no health and safety documentation and had not obtained any health and safety qualifications during his 50 years of work in the construction industry. He had not investigated the accident and blamed Mr Lewis. Mr Adams was prosecuted for breach of RIDDOR in failing to report the accident. There were clearly aggravating factors which demonstrated a general failing to treat health and safety sufficiently seriously by Adams. Mr Adams was sentenced to 24 weeks in prison.

Complying with legislation

The case serves to emphasise the importance of complying with health and safety legislation – it is not an optional extra. A failure to comply does not just run the risk of a significant fine but can lead to incarceration. Any injury in the workplace can have serious consequences for a business particularly small and medium size ones. It is important not to ignore the legal requirement.

RIDDOR reporting is a simple process. It is now completed online. There are a few points to bear in mind when completing the online document as follows:

- Record the facts only as you know them. Do not offer any opinion, supposition or guesswork as to the cause of the accident.
- Make sure you print out and keep a copy of the RIDDOR before sending it to the HSE.

Finally, it is important to notify your insurers (make sure you have EL insurance as it is an offence not to do so). A serious accident is likely to be disconcerting and has a potential to have a devastating impact on your business. It is likely to be a novel experience for you. It will not however, be a novel experience for your insurers who will be able to assist you by engaging specialist legal and other expert advice on your behalf to guide you through the difficult process.

For the full report on the case, please visit

<https://www.shponline.co.uk/construction/custodial-sentence-for-builder-who-failed-to-report-incident/>

If you have any concerns or would like further information, please do not hesitate to contact us, Carney Consultancy Limited on 0191 2963652 or alternately on info@carneyconsultancy.co.uk