

SUMMARY OF RESEARCH BY NAVIGATOR ON THE ATTITUDES OF MICRO, SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs) TOWARDS RIDDOR AND THE RIDDOR REVIEW

“RIDDOR REVIEW AMONG SMEs AND MICRO-SMES”

Background

1. During the development of the RIDDOR Review Discussion Document (DD), we were concerned that the majority of responses would come from larger companies with a much lower level of response from SMEs and micro-SMEs (less than 10 employees).
2. We therefore commissioned an independent firm, Navigator, to carry out some research among a sample of SMEs and micro-SMEs to:
 - establish awareness and usage levels of the current RIDDOR Regulations;
 - determine attitudes to the suggested changes outlined in the DD; and
 - determine any barriers to, and motivators for, following RIDDOR.
3. Eight mini-focus group discussions were conducted among owners, directors, partners of a range of small businesses in Northern and Southern England, Scotland and Wales.

Conclusions

4. The conclusions were -
 - Awareness of RIDDOR was low and there was little experience of reporting. Those who did have experience found it easy to report, either by using the report form, or direct to the Incident Contact Centre.
 - Raising awareness of RIDDOR among smaller companies presents a considerable challenge, as a RIDDOR report is a very occasional or a ‘once in a lifetime’ event.
 - Many participants assumed that if there had been emergency services involvement, then everyone who needed to hear about an incident would be informed by some means or other.
 - Others felt there were other more robust sources of information than RIDDOR, for example, the NHS/GPs, the Accident Book, industrial injuries or incapacity benefit schemes and insurance company claims records.

Annex 2 to HSC/05/95

- A majority claimed to use an Accident Book as they assumed that this was all they were required to do.
- Learning that RIDDOR is a legal obligation might increase compliance to a degree but only if penalties for non-compliance were put in place and publicised. This might also have implications for HSE's and LAs' relationship with small businesses.
- Many participants took the view that if they could 'get away' without reporting they would try and do so.
- Barriers to reporting included the following:
 - perceived increased vulnerability to personal injury claims, especially if making a report seemed like an admission of responsibility, particularly in relation to occupational diseases;
 - administrative burden of making the report – expected to be high even if it wasn't;
 - potential ramifications of bringing themselves to HSE or LA attention; and
 - ongoing administrative burden stemming from any likely HSE or LA involvement.
- The Groups saw tension between HSE/LAs' roles of policing and enforcing and the collection of data via RIDDOR. RIDDOR seemed to many like 'turning themselves in'.
- The 'point' of RIDDOR was not always obvious. Although it was accepted once explained to participants, this did not create a conviction that RIDDOR was necessary or would motivate future compliance.
- Of the proposed changes, dropping occupational diseases was received most positively. This was an aspect of RIDDOR that many participants felt most uncomfortable with.
- A move to fixed penalties for non-compliance was seen as a revenue generating exercise, unless adequate steps had been taken to ensure that businesses were made aware of their responsibilities. A points system which gave offenders the chance to mend their ways *before* incurring a fine was suggested as a more constructive alternative
- The 'dangerous occurrences' aspect of RIDDOR lacked relevance to the majority of the sample but was seen as of value for more risky activities, particularly if there was potential danger to the wider public. A move to more 'generic' dangerous occurrences was rejected as being too open to

Annex 2 to HSC/05/95

interpretation, particularly if it applied to a broad spectrum of business activities.

- The idea of a shift from 'major injury' to over-3-day absence reporting was generally disliked. 'Major injury and death', were clear cut reporting requirements but determining whether an absence was work-related was problematic, not least because it might leave an employer open to future personal injury or ill health claims.
- Bringing work-related road traffic accidents within the remit of RIDDOR was rejected. Participants felt this would result in considerable increases in their workload just for HSE to pick up the small number of cases it would have an interest in investigating. Participants suggested that it would be more efficient for HSE to be brought into such cases at the request of the authorities (who would almost certainly already be investigating them) as and when it seemed appropriate, ie, when there was a clear health and safety component in the circumstances of an accident.
- The threat of personal injury claims was a preoccupation for many participants. This could perhaps motivate greater health and safety compliance, including fulfilling RIDDOR obligations. For example, if an exemplary health and safety record could be certified in some way, this could be used as a form of 'business character reference' in personal injury cases, this might be seen as a benefit to becoming more fully engaged with health and safety procedures.

More information

5. A fuller report of the findings of the research is available in presentation form from the Enforcement Policy Unit. Please ring Francis McGuigan on 020 7717 6423.