

NORTHERN ASSOCIATION of MODEL ENGINEERS

INFORMATION SHEET

THE REPORTING of INJURIES, DESEASES & DANGEROUS OCCURRENCES REGULATIONS 2013

RIDDOR

INTRODUCTION

The following information for Clubs/Societies is by necessity of a general nature owing to the fact that all Societies are independent, and self managing, also their sites and operations differ considerably. For some Societies the Health and Safety at Work etc. Act 1974 (HSWA) and hence the RIDDOR Regulations will only rarely apply, whereas for others the application may be virtually permanent. The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 have recently been updated and are now The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 SI 2013 No 1471. This document has been produced jointly by the Northern Association of Model Engineers and the Southern Federation of Model Engineering Societies.

OPERATIONS CLOSED TO THE PUBLIC

In the case of Societies which operate at enclosed private sites which are closed to all but subscribing adult members and invited guests it would NOT normally be expected that the HSWA & RIDDOR would apply, except for serious accidents or incidents, their activities affecting persons NOT on their site, or their invited guests.

Edited quote from HSC field operatives directive OC331/3,

The Health & Safety at Work etc. Act 1974 should not be used to cut across the freedom of individuals voluntarily to take risks outside their working environment. Where there is no employment, there should be no intervention by an enforcing authority in the activities of private clubs except in reaction to serious accidents, incidents or follow-up of complaints.

Statement from the lead officer for RIDDOR.

If you run the Society purely for the benefit of members on private land i.e. it is a private club and the only rides you might give would be to invited guests, then I would not expect the Act and hence the Regulations to apply to you.

As will be noted from the above even the Enforcing Officers do not state the Act and the Regulations will not apply, instead they employ the words would not expect. So you cannot take it for granted.

OPERATIONS OPEN TO THE PUBLIC

Where Societies operate on sites that are open to the public and there is a work activity, which does not mean that people have to be employed, (paid or unpaid) but whether the activity affects others outside the Society, if so, then it can be expected that the HSWA and hence RIDDOR will apply.

The question of whether the club is engaged in a work activity is a question of fact and depends on the exact circumstances of how and where you operate.

For the Regulations to apply, an accident or incident must arise out of, or in connection with, a work activity, this phrase has a very wide meaning and the Regulations do not give a complete definition. However understanding their meaning and scope is vital in helping to decide if an accident or incident, including in certain circumstances, acts of violence or a dangerous occurrence must be reported.

Determining if an accident or near miss (incident) is reportable under RIDDOR does not depend on apportioning, or even accepting the possibility of blame. The broad meaning of 'arising out of or in connection with work' means that an accident or near miss may still be reportable even if there had been no breach of the Regulations, no-one was injured and no-one was to blame. To help with this assessment it is useful to think about the circumstances surrounding the accident and the factors involved, these may include.

- What work was going on at the time?
- What was the injured person doing?
- Where did the accident happen?
- Were factors such as structures, equipment, or substances involved?

There are three key factors which must be taken into account when deciding whether an incident arose out of or in connection with work these are.

- The manner of conducting the undertaking.
- The plant or substances used for the undertaking.
- The condition of the premises used by the undertaking or any part thereof.

With the introduction of RIDDOR 2013, the reporting criteria for Minor Injuries and Dangerous Occurrences for employed personnel has been changed, for minor injuries up to and including fractured fingers and toes there is no longer any requirement to make a RIDDOR report.

However the document *Passenger Carrying Miniature Railways, Guidance on Safe Practice* issued by the Health & Safety Executive as HSG 216 in 2001 is still valid. The document was agreed by the HSE and the Miniature Railway Liaison Group including The Northern Association of Model Engineers, the Southern Federation of Model Engineering Societies, the Midlands Federation of Model Engineering Societies, the 7¼ inch Gauge Society, the Society of Model and Experimental Engineers, GL5 Main Line Association, and representatives from trade, manufacturers, press and private railways. The only amendment to HSG 216 is the requirement to change the reference to the RIDDOR 2013. Paragraphs 94 to 96 incl. indicate the legal requirement applicable in the operation of a miniature railway for the reporting of incidents and accidents. Principally injury notification is required where a member of the public is taken to hospital for treatment and a dangerous occurrence is to be reported in the case of unintended collision which might have caused death or major injury to any person.

Appendix 2 of the HSG 216 is an example of an Incident Report form and Appendix 3 is a HSE form F2508 RIDDOR. It should be noted however that it is preferable to report accidents on line direct to the HSE (www.hse.gov.uk) rather than using the form F2508.

DERAILMENTS

The way RIDDOR was worded meant that the derailment of any train carrying passengers had to be reported irrespective of its size or type .

Owing to the fact that with miniature railways and particularly the smaller gauges whether raised or ground level track, where derailments while loading and unloading which are virtually without risk but can be relatively frequent, it was considered that miniature railways should be exempt from reporting this type of incident. Consequently a suggestion that miniature railways be exempt from reporting this type of minor derailment was put forward to be explored by the RIDDOR Review team in 2005, but the Review of RIDDOR by the Health and Safety Commission in 2006 however decided to leave the Regulations unchanged.

The issue was raised with the Office of Rail Regulation (ORR) so that if there was any need to change the reporting requirements for the National Rail Network, then this amendment should be explored and included with any other changes. However the HSE also stated that with minor derailments such as the above with little or no risk, that they expect common sense to be exercised with respect to reporting, basically to report derailments where there was a risk of injury, e.g. loaded trains in motion.

The above information is based on written and verbal communications with the HSE following incidents dating back to 2008.

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