

TRANSPORT FOR LONDON

SAFETY, HEALTH AND ENVIRONMENT ASSURANCE COMMITTEE

SUBJECT: REPORTING OF INJURIES, DISEASES AND DANGEROUS OCCURRENCES REGULATIONS

DATE: 9 MARCH 2011

1 PURPOSE AND DECISION REQUIRED

- 1.1 To bring to the attention of the Committee, a Report of the Railway Safety and Standards Board (RSSB) concerning the adherence to Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) by Network Rail and its contractors.
- 1.2 The Committee is asked to note the report.

2 BACKGROUND

- 2.1 RIDDOR requires the reporting of major injuries and non major injuries resulting in more than three days absence, or the impairment of the individual's ability to carry out their normal duties for three days or more.

3 NETWORK RAIL RIDDOR REPORTING

- 3.1 The Office of Rail Regulation (ORR) in its Health and Safety Report for 2010, noted significant concerns about the reporting of minor over three day injuries within Network Rail and its contractors. This concern was raised by a comparison of injury data from Network Rail, the Health and Safety Executive (HSE) for the industry and London Underground. The ORR drew its conclusions based on a comparison of the ratio of major to minor injuries for the three data sets. For Network Rail the ratio was 1:1.2, for the HSE data the ratio was 1:7 and for London Underground it was 1:15.
- 3.2 Network Rail agreed that an independent review of RIDDOR reporting by Network Rail and its contractors should be undertaken by the RSSB to establish the reasons for the under reporting.
- 3.3 The RSSB published its findings, conclusions and recommendations in its 'Independent review of RIDDOR reporting by Network Rail and its contractors' on 25 January 2011.
- 3.4 The report reviewed workforce accidents and injuries from 2004, when maintenance was taken 'in house', to November 2010.
- 3.5 The main conclusions of the review were:
 - (a) There was a significant level of under reporting of RIDDOR lost time injuries by Network Rail staff and its contractor companies over the last five years.

- (b) The under reporting of RIDDOR lost time injuries occurred because of the change in both the culture of Network Rail and its relationship with its contractors since 2005. These changes were a result of the real and perceived pressure and, in some cases, fear felt by Network Rail staff and contractors if they reported accidents or incidents. This real and perceived pressure and fear arose as unintended consequences of the Network Rail implementation of:
 - (i) the overall strategy for safety (which was consciously designed to improve safety), based on the use of quantitative safety targets, safety performance measures, league tables and contractual requirements linked to the number of reported RIDDOR lost time injuries;
 - (ii) other management actions, such as the frequent company re-organisations and the application of a “managing for attendance” policy; and
 - (iii) the procurement strategy used to drive down costs and improve efficiency leading, for example, to the primary contractor companies making much greater use of temporary (“zero-hours”) type contract staff.
- (c) The use of different accident databases within each of the Network Rail functions and a lack of cross-checking/formal data auditing between them also contributed.
- (d) Network Rail’s analysis has shown that there was also some under reporting of major injuries to the ORR. Network Rail indicated that this was mostly due to incorrect classification of accidents.
- (e) While the safety and procurement strategies outlined above were intended to improve safety and reduce costs, unintended changes in attitudes to reporting occurred.
- (f) From the evidence presented to the review, it was found that the majority of the under reporting resulted from deliberately not reporting RIDDOR lost time injuries. Examples of these identified in the review are:
 - (i) front line staff deciding not to report events that they knew should be reported;
 - (ii) managers using incentives to discourage reporting by front line staff; and
 - (iii) contractor companies having unwritten policies that discouraged reporting.
- (g) Network Rail Directors and senior managers believed that the falling Accident Frequency Rate in the period since maintenance was brought in house was explained by the actions they had been taking in the areas of new and improved protective equipment, work practices and the motivational aspects of the safety league tables.

- (h) Safety performance targets such as Accident Frequency Rate and the Fatality and Weighted Injury Rate were not direct mechanistic measures in the assessment of the amount of bonus individuals across Network Rail were awarded. There was, however, an indirect linkage through the deliberations of the Remuneration Committee and the individual performance assessments for some managers. This indirect linkage was not believed to have been a significant driver in the under-reporting or misclassification of RIDDOR reportable lost time injuries.
- (i) No evidence was found of instructions or directives being given by Directors or senior managers to staff regarding the non reporting of RIDDOR lost time accidents or specific incorrect interpretations of the RIDDOR requirements.

4 TfL ACTIONS IN RELATION TO THE UNDERREPORTING

- 4.1 A preliminary review of RIDDOR reporting across TfL indicated that processes are in place for the identification of RIDDOR reportable injuries and did not uncover any indications of under reporting.
- 4.2 As can be seen from the information in the ORR report referenced in 3.1 above, London Underground was used as an exemplar of sound reporting.
- 4.3 Given the importance of RIDDOR reporting, it is proposed to incorporate it in the TfL Internal Audit Plan for 2011/12.

5 RECOMMENDATION

- 5.1 The Committee is asked to NOTE the report.

6 CONTACT

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