# RIDDOR Reporting: COVID-19 RIDDOR Advice

The Corporate Health and Safety team report all RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013) related incidents to the HSE (Health and Safety Executive) on behalf of all of our maintained schools and any aided or foundation school with a service level agreement for health and safety services.

The HSE have issued guidance as to when COVID-19 cases will be reportable under RIDDOR. This update provides supplementary details specifically for staff who may be diagnosed with COVID-19 **as a direct result of their work.** .

In some **limited circumstances**, where an individual has either been exposed to the coronavirus or contracted COVID 19 **as a direct result of their work**, those instances may now be reportable under the RIDDOR regulations.

The HSE recognise that it will be very difficult for employers to establish whether or not any infection in an individual was contracted as a result of their work. **Therefore investigation into such reported occurrences must take place to inform this.**

Cumbria County Council recognise their clear health and safety duties and responsibilities under the Health and Safety at Work Act and relevant supporting regulations. Under the Control of Substances Hazardous to Health Regulations 2002 (COSHH) there is a requirement to protect workers who come into contact with infectious micro-organisms as a direct consequence of their work. However, COSHH does not apply where employees are exposed to a disease which is in general **circulation** and which may happen to be present in the workplace as well.

The HSE has updated its guidance in relation to RIDDOR Reportable COVID-19 incidents.

The criteria for reporting must show **reasonable evidence** suggesting that a work- related exposure was the likely cause of the disease. A diagnosis normally means a registered medical practitioner's identification (in writing, where in relation to an employee) of new or worsening symptoms.

Unlike with usual diagnosis of occupational disease, many cases of COVID-19 are currently being confirmed without a registered medical practitioner's written diagnosis, for example, on the basis of laboratory test results. HSE has decided to adopt a pragmatic approach in the current highly unusual circumstances and not require those results to be confirmed by a registered medical practitioner before a report is made under RIDDOR.

Responsible persons should consider any official confirmation of COVID-19 infection such as from a public testing body as being equivalent to a registered medical practitioner's diagnosis.

# Reasonable evidence of occupational exposure

When deciding if a report is required, the responsible person must make a judgement, based on the information available, as to whether or not a confirmed diagnosis of COVID-19 is likely to have been caused by an occupational exposure, i.e. whether or not there is reasonable evidence that a work-related exposure is the likely cause of the disease. Whilst this should be considered on a case by case basis, there are some general principles which can assist in making this judgement.

There must be **reasonable evidence** linking the nature of the person's work with an increased risk of becoming exposed to coronavirus.

Factors to consider when making this decision could include:

* whether or not the nature of the person's work activities increased the risk of them becoming exposed to coronavirus?
* whether or not there was any specific, identifiable incident that led to an increased risk of exposure?
* whether or not the person's work directly brought them into contact with a known coronavirus hazard without effective control measures, as set out in the relevant PHE guidance, in place such as personal protective equipment (PPE) or social distancing

This is not intended to be an exhaustive list.

There may also be cases where a registered medical practitioner has highlighted the significance of work-related factors when communicating a diagnosis of COVID-19 - these cases would also be reportable.

Additionally, for an occupational exposure to be judged as the **likely**cause of the disease, it should be more likely than not that the person's work was the source of exposure to coronavirus as opposed to general societal exposure. Such cases may not be easy to identify when COVID-19 is prevalent in the general population.

Work with the general public, as opposed to work with persons known to be infected, is not considered sufficient evidence to indicate that a COVID-19 diagnosis is likely to be attributable to occupational exposure.  Such cases do not require a report.

Responsible persons do not need to conduct extensive enquiries in seeking to determine whether a COVID-19 infection is work-related. The judgement should be made on the basis of the information available. There is no requirement for RIDDOR reports to be submitted on a precautionary basis, where there is no evidence to suggest that occupational exposure was the likely cause of an infection.

# NON- RIDDOR Reportable Instances of COVID-19

Instances of COVID-19 that are **not reportable** through accident/incident form or RIDDOR:

* when COVID-19 is suspected but not confirmed
* when COVID-19 has been verified by a registered medical practitioner, but it was not deemed to be contracted via **work-related** exposure
* the lost time incurred due to self-isolation for suspected COVID-19 (but not a confirmed) instance

Any sickness absence would be recorded in the normal manner

# RIDDOR Reportable instances of COVID-19

For confirmed cases of **work related** COVID-19 the school would complete and accident incident form and a RIDDOR report will be submitted to the HSE by the **Corporate Health and Safety Team** following investigation and discussion with Head teachers where there is reasonable evidence confirming that a work-related exposure was the likely cause of the disease.

[[1]](#footnote-1)All cases of work related ill health can be reported via the accident/incident report form and submitted to the health and safety team mail box healthandsafety@cumbria.gov.uk

* **Accident Category (Ill Health or** **Fatality)** - For an incident to be reportable as a death due to occupational exposure to a biological agent, in this case COVID-19, there must be reasonable evidence suggesting that a work-related exposure to coronavirus was the likely cause of death. A doctor may indicate the significance of any work- related factors when communicating the cause of death.
* **Accident Type – (Any Disease attributed to exposure of Biological Agent)** - For this type of incident to be RIDDOR reportable again there must be reasonable evidence suggesting that a work-related exposure was the likely cause of the worker contracting COVID 19. Such instances could include, for example, frontline health and social care workers who have been involved in providing personal care/ treatment to **known cases of COVID 19,** who subsequently **develop the disease** and there is reasonable evidence suggesting that a work related exposure was the likely cause of the disease.
* **Accident Severity** – **This will most likely be** **RIDDOR Specified Disease** (See above)

The HSE also state that incidents can be reported as **RIDDOR Specified Dangerous Occurrence** (however it is unlikely any CCC incidents would fall into this category as we are not handling viral agents) such incidents must result (or could have resulted) in the release or escape of the coronavirus. An example could include a vial known to contain the coronavirus being smashed in a laboratory, leading to people being exposed)

* **Level of Investigation** **– 3 (High Level)** – RIDDOR Reportable incidents investigation levels should be set at Level 3 indicating that a high-level accident/incident investigation approach would be taken involving management, Senior Management with the support of the relevant Corporate Health and Safety Manager. Details of the investigation levels can be found [**here.**](https://schools.cumbria.gov.uk/_layouts/15/WopiFrame.aspx?sourcedoc=/Reference%20Library/Health%20and%20Safety/Safety%20Advice%20Notes%20Series%20(SAN)/SAN(G)03%20Reporting%20Recording%20and%20Investigation%20of%20Adverse%20Events.docx&action=default)

# Latest government guidance

Coronavirus has been listed as a [notifiable disease](http://www.legislation.gov.uk/uksi/2010/659/schedule/1) under the Health Protection (Notification) Regulations 2010. This change in law requires GPs to report all cases of COVID 19 to Public Health England.

The Health and Safety Executive (HSE) has also produced general information on RIDDOR reporting in relation to COVID-19 on its website

[RIDDOR reporting of COVID-19 - HSE news](https://www.hse.gov.uk/coronavirus/riddor/index.htm)

[Further guidance on RIDDOR reporting of COVID-19 - HSE news](https://www.hse.gov.uk/coronavirus/riddor/riddor-reporting-further-guidance.htm#dangerous-law)

If you have any specific queries in relation to this advice or accident/incident or near miss reporting in general please contact the Health and Safety Team by Email to healthandsafety@cumbria.gov.uk or by telephone on 01228 221616

1. Maintained schools are required to submit **all** accident/incident reports involving adults and significant pupil incidents to the healthandsafety@cumbria.gov.uk mailbox for inclusion on the E-Safety database and reporting to the HSE where required [↑](#footnote-ref-1)