

NIPP letters – circulated to CPA execs and coms leads on 29 June 2020

To colleagues in the Social Care Sector

Re: Covid-19: Reminding Managers, Employers, Responsible Person (those in charge of the workplace) in the Social Care Sector of their legal responsibilities for notification of deaths and disease amongst social care workers

We are writing to you as part of a multi-disciplinary group of colleagues across the Health and Social Care sectors. We recognise and are thankful for the relentless work undertaken by the care sector, “despite loaded dice against care homes”. Your associations and alliances have not only shone a light on the lack of resources (PPE and testing) and financial challenges but also provide weekly information on Covid-19 developments nationally. You continue to advocate and champion representations to government about protecting workers from contracting Covid -19 occupationally. These include your campaigning for testing to identify, contain and isolate sources of infection and adequate supplies of the PPE of high enough standard (We consider the European Centre for Disease Prevention and Control standards to be the minimum with the application of precautionary principles whenever there is uncertainty).

Nevertheless despite all the efforts of your colleagues we have seen the excessive number of deaths in the sector, both amongst workers and users. This has been documented in your reports and the ONS data.

We are therefore writing to suggest that you remind Managers, Employers and Responsible Persons of the important role that they have to play in the scrutiny and reporting of work-related Covid -19 ***confirmed or suspected deaths*** (and disease).

Reporting to the Health and Safety Executive (UK): All employers have a legal duty to report Covid-19 cases of disease or death, which may have arisen from employment, to the HSE under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR). Failure to report a dangerous occurrence or disease (especially death), in accordance with the requirement of RIDDOR, is a criminal offence, and may result in prosecution. Moreover, as there is a need to act quickly to deal with the pandemic, if managers, employers or responsible persons are uncertain, they should report following the relevant HSE guidance. Such statutory reporting is not an admission of failure.

Although the obligation to report to the HSE under RIDDOR lies with the employer, the doctor (with the workers' consent) should advise the employer in writing of "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".

<<https://www.hse.gov.uk/coronavirus/riddor/riddor-reporting-further-guidance.htm>>

As of June 2020 the government has asked social care employers to report the deaths of workers from ***confirmed or suspected*** Covid-19 to the Department of Health and Social Care. This is not mandatory but expected and should not be seen as an alternative to reporting the death to HSE
<https://www.gov.uk/government/publications/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england>

Through raising awareness, as above, we hope social care health and other workers (e.g.volunteers) will be better protected from occupational exposure to Covid-19 and future deaths can be prevented.

Yours faithfully,

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Denise Kendrick, FRCGP, Professor of Primary Care Research and General Practitioner, University of Nottingham.

Raymond Agius, Emeritus Professor of Occupational and Environmental Medicine, The University of Manchester.

Herb F Sewell, Emeritus Professor & Consultant Immunologist, University of Nottingham.

John F R Robertson, Professor of Surgery & Consultant Surgeon, University of Nottingham.