

## **NEWS – LORD YOUNG REPORT PUBLISHED**

- Lord Young prior to his recent resignation has recently prepared a report for the Prime Minister entitled “Common Sense, Common Safety”. This is intended to be a review of the operation of Health and Safety Laws, which govern accidents at work particularly, and the growth of the so called ‘Compensation Culture’. It would seem that in his report, Lord Young accepts that the Compensation Culture is one of perception (rather than one of reality) leading to a fear of legal action resulting in an over cautious approach and the unnecessary cancellation of various events such as egg and spoon races at School Sports Days on the grounds of perceived health and safety risks.

- Lord Young’s proposals include the following:-

### **1. COMPENSATION CULTURE:-**

- introducing a simplified claims process for personal injury claims involving non road traffic accidents under £10,000.00 with fixed costs to apply.
  - exploring the possibility of extending the upper limit for road traffic accidents compensation to £25,000.00.
  - implementing the recommendations in Lord Justice Jacksons review of Civil Litigation costs
  - limiting the scope of referral agencies and personal injury lawyers and thereby controlling the volume and type of advertising.
  - making it clear through legislation or otherwise that individuals will not be held liable for any consequences due to a well intentioned meaningful voluntary act on their part.
- In his report, he further describes what he considers to be low hazard places of work such as offices, class rooms and shops. Lord Young recommends simplifying the risk assessment attached to these places by possibly exempting employers from risk assessments where employees work from home in a low hazard environment and exempting self employed people in low hazard businesses from risk assessment procedures.

### **2. EDUCATION/ADVENTURE TRAINING:-**

Other proposals extend to schools and activity centres and include the following:

- simplifying the risk assessment process that schools and similar organisations undertake prior to taking children on trips.

- introducing single consent forms covering all activities a child may undertake at school.
- introducing a simplified risk assessment for classrooms.
- exchanging a risk assessment system for a system of risk – benefit assessment and consider the implication of the Health and Safety At Work etc Act 1974 in relation to this so as to separate “play” from “leisure” in a work place context.
- recommendations for the abolition of the Adventure Activities Licensing Authority and replacing it with a Code of Practice.

### 3. **RIDDOR:-**

- changing the Reporting of Injuries, Disease and Dangerous Occurrences Regulations 1995 (RIDDOR) which require businesses to record workplace accidents and to send returns to a centralised body by extending to 7 days the period before an injury or accident needs to be reported.
- Lord Young also recommends that the HSE should further re-examine RIDDOR to ascertain whether this is the best approach to providing an accurate picture of workplace accidents across the Country.

It remains to be seen as to what impact these recommendations will have on the claims process and if implemented, whether they will be a benefit to the more effective pursuit of personal injury claims thereby providing access to justice for claimants. It does seem that Lord Young has failed to take the opportunity to eradicate the myth of a compensation culture in this country. It remains the case that if a person has been injured as a result of someones negligence and their life has changed dramatically as a result that person deserves to be compensated for their injuries. However, it is accepted by a cross section of society that no one should be held accountable for the foolish act of another, particularly where all reasonable steps have been taken to reduce risks to the lowest level possible.

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