

Risk Assessment



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What to Expect from tonight.....



- Risk Assessment basics
- Some reference to legislation
- Enforcement
- Quick update
- Questions



HAZARD



- A **HAZARD** is something with the potential to cause harm
- (this can include articles, substances, plant or machines, methods of work, the working environment and other aspects of work organisation)
- Possible examples - chemicals, electricity, machinery, working from ladders etc.

RISK



- **RISK** is the likelihood of potential harm from that hazard being realised. The extent of the risk will depend on:
 - The likelihood of that harm occurring
 - The potential severity
 - The population who might be affected

DANGER - DEFINITION

- The Oxford Dictionary definition includes “.. Liability or exposure to harm, risk, peril, danger of death...” - clearly the intent is “risk”
- In common usage, the term means different things to different people – to some hazard and to others risk.
- Best to stick to “hazard” and “risk” unless there is a good reason to use “danger” in a particular context.

MAIN (LEGAL) PURPOSES

- Enable dutyholders to identify the measures they need to take to comply with health and safety law
- Identify how the risks arise and how they impact on those affected. This information is needed to make decisions on how to manage those risks

Risk Assessment in the Management of Health and Safety at Work Regulations 1999

RA IN MANAGEMENT REGS

KEY ISSUES (1)



- Duty on employer - Regulation 3(1)
 - Risks to employees
 - Risks to non-employees
- Duty on self-employed – Regulation 3(2)
 - Risks to themselves
 - Risks to others
- Suitable & sufficient

SUITABLE & SUFFICIENT



- Key HSE principle of proportionality
- Degree of sophistication of a risk assessment should be proportional to the risk itself
- Ultimately it is a question for the Court.....

[Some more detailed pointers later]

SUITABLE & SUFFICIENT

Some Pointers!



-
- That all significant hazards have been identified
 - That the risks have been properly evaluated considering likelihood and severity of harm
 - Measures necessary to achieve acceptable levels of risk have been identified (**Principles of Prevention**)
 - Actions have been prioritised to reduce risks (**Hierarchy of Control**)
 - The assessment will be valid for some time
 - Actual conditions and events likely to occur have been considered during the assessment
 - Everyone who may be harmed has been considered

RA IN MANAGEMENT REGS

KEY ISSUES (2)



- Purpose: for identifying the measures needed to comply with requirements & prohibitions imposed by relevant statutory provisions
- RA to be reviewed if:
 - Reason to suspect it is no longer valid
 - Significant change to matters to which it relates
 - What might these be?
- RA to be changed if the review shows it is necessary

RA IN MANAGEMENT REGS

KEY ISSUES (3)



- Record to be kept if the employer has 5 or more employees, to include:
 - Significant findings
 - Any group of employees identified as being especially at risk

SIGNIFICANT FINDINGS



- An effective statement of hazards and risks which leads management to take the relevant actions to protect health and safety - including:
 - a record of the preventive and protective measures in place to control the risks;
 - what further action, if any, needs to be taken to reduce risk sufficiently;
 - proof that a suitable and sufficient assessment has been made.

RISK ASSESSMENT KEY ELEMENTS



NB: Don't forget under **Step 3** to also consider whether existing precautions are adequate or whether more should be done.

Other Risk Assessment Requirements (Some Examples)



- COSHH 2002
- CLAW 2002
- CONAWR 2005
- COVAWR 2005
- MHOR 1992
- IRR 2017



COSHH 2002 – Suitable & Sufficient Regulation 6(2) + ACoP L5 Paras 56-63



(2) The risk assessment shall include consideration of—

- (a) the hazardous properties of the substance;
- (b) information on health effects provided by the supplier, including information contained in any relevant safety data sheet;
- (c) the level, type and duration of exposure;
- (d) the circumstances of the work, including the amount of the substance involved;
- (e) activities, such as maintenance, where there is the potential for a high level of exposure;
- (f) any relevant occupational exposure standard, maximum exposure limit or similar occupational exposure limit;
- (g) the effect of preventive and control measures which have been or will be taken in accordance with regulation 7;
- (h) the results of relevant health surveillance;
- (i) the results of monitoring of exposure in accordance with regulation 10;
- (j) in circumstances where the work will involve exposure to more than one substance hazardous to health, the risk presented by exposure to such substances in combination;
- (k) the approved classification of any biological agent; and
- (l) such additional information as the employer may need in order to complete the risk assessment.

CONAWR 2005 – Suitable & Sufficient Regulation 5(3) + Guidance L108 Paras 49-59



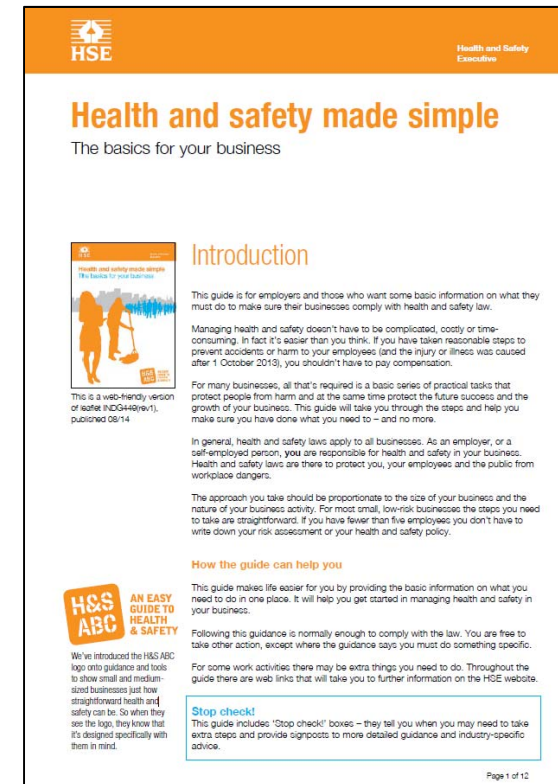
(3) The risk assessment shall include consideration of —

- (a) the level, type and duration of exposure, including any exposure to peak sound pressure;
- (b) the effects of exposure to noise on employees or groups of employees whose health is at particular risk from such exposure;
- (c) so far as is practicable, any effects on the health and safety of employees resulting from the interaction between noise and the use of ototoxic substances at work, or between noise and vibration;
- (d) any indirect effects on the health and safety of employees resulting from the interaction between noise and audible warning signals or other sounds that need to be audible in order to reduce risk at work;
- (e) any information provided by the manufacturers of work equipment;
- (f) the availability of alternative equipment designed to reduce the emission of noise;
- (g) any extension of exposure to noise at the workplace beyond normal working hours, including exposure in rest facilities supervised by the employer;
- (h) appropriate information obtained following health surveillance, including, where possible, published information; and
- (i) the availability of personal hearing protectors with adequate attenuation characteristics.

Health & Safety Made Simple



- Dedicated microsite at
 - www.hse.gov.uk/simple-health-safety/index.htm
 - IND(G)449
 - Basic information for new small or micro businesses, highlighting in simple language some legal duties and to
- “...help you to make sure you have done what you need to do – and no more.”



Health & Safety Made Simple

#HelpGBWorkWell



Health and safety made simple

The basics for your business

Getting help with health and safety

When and how to get competent help

Risk assessment

How to identify hazards and assess risks at work

Provide information and training

Tell your workers what their health and safety duties are

Prepare a health and safety policy

What a policy is and how it helps you manage health and safety

Consult your workers

Involve your workers and inform them about health and safety

Have the right workplace facilities

Have toilets, washbasins and other welfare facilities workers need

First aid in work

Advice on your first aid kit, training workers and appointing first aiders

Get insurance for your business

Find out why you may need employers' liability insurance

Report accidents and illness

You must report certain injuries, near-misses and work-related illnesses to HSE

Display the law poster

You must display the poster or give workers the equivalent leaflet

The law

The Health and Safety at Work Act, criminal and civil law

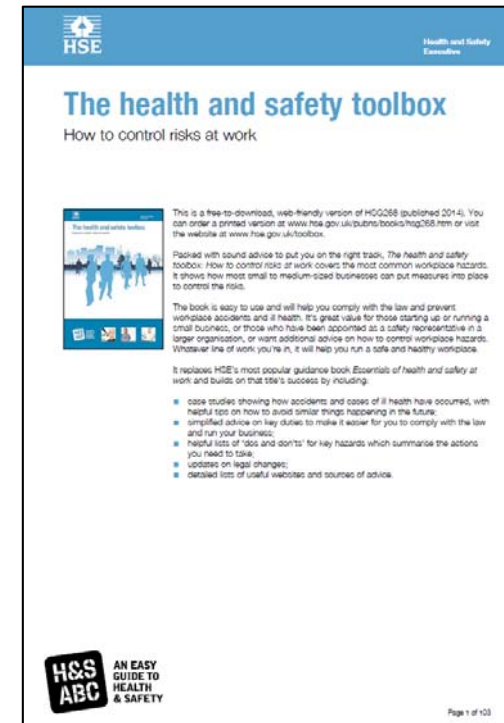
www.hse.gov.uk/simple-health-safety/



Health & Safety Toolbox

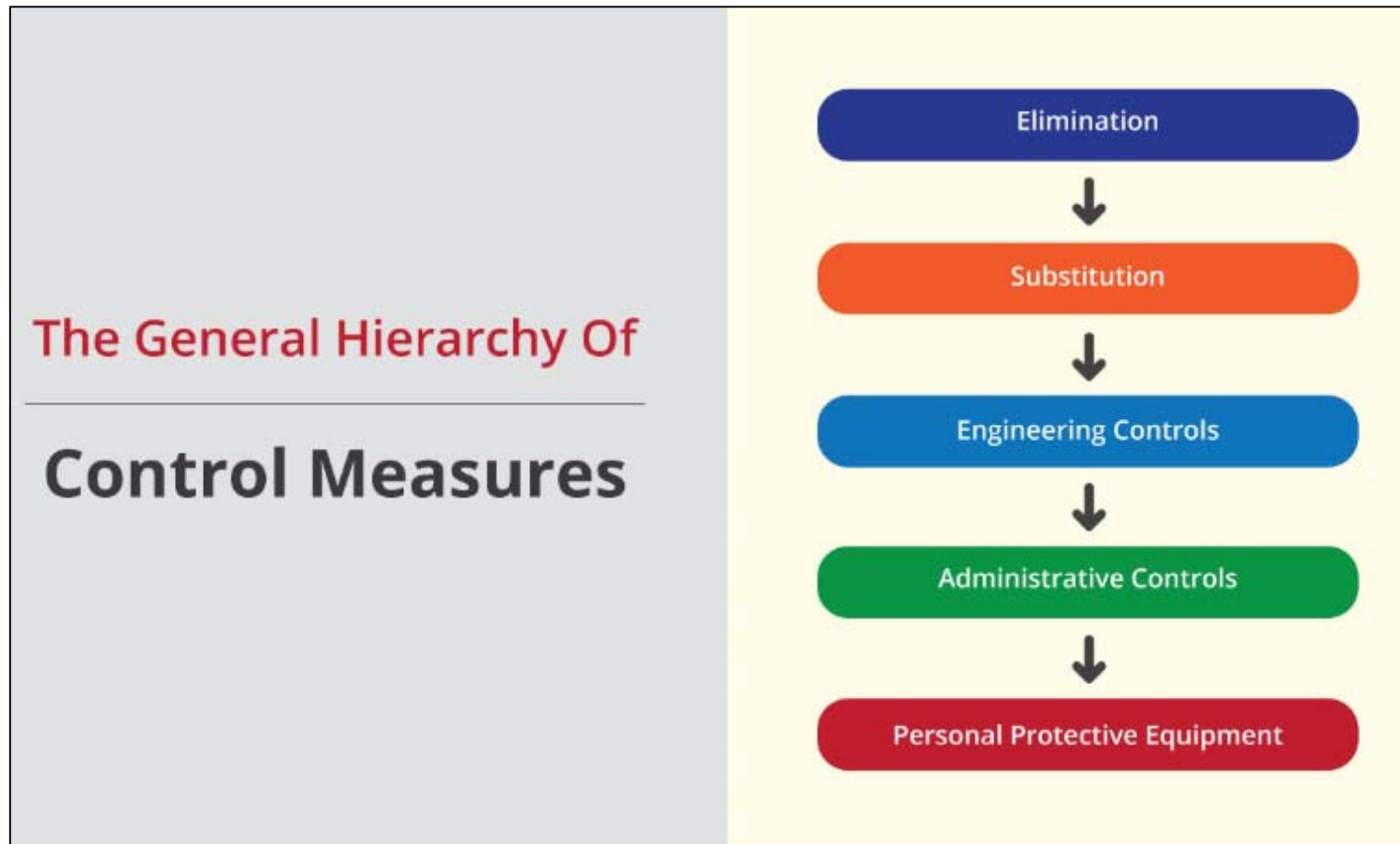


- Health & Safety Toolbox micro-site
 - www.hse.gov.uk/toolbox/index.htm
- HS(G)268
- More detailed information on
 - Controlling risks
 - Management of H&S
 - 15 topics from fire, electrical safety to slips and trips, noise and workplace transport





Control Measures are Key!



Enforcement.....



- HSE Inspectors will take enforcement action on control measures if they are lacking
- If controls good unlikely to ask to see paperwork



Sentencing Council Guidelines

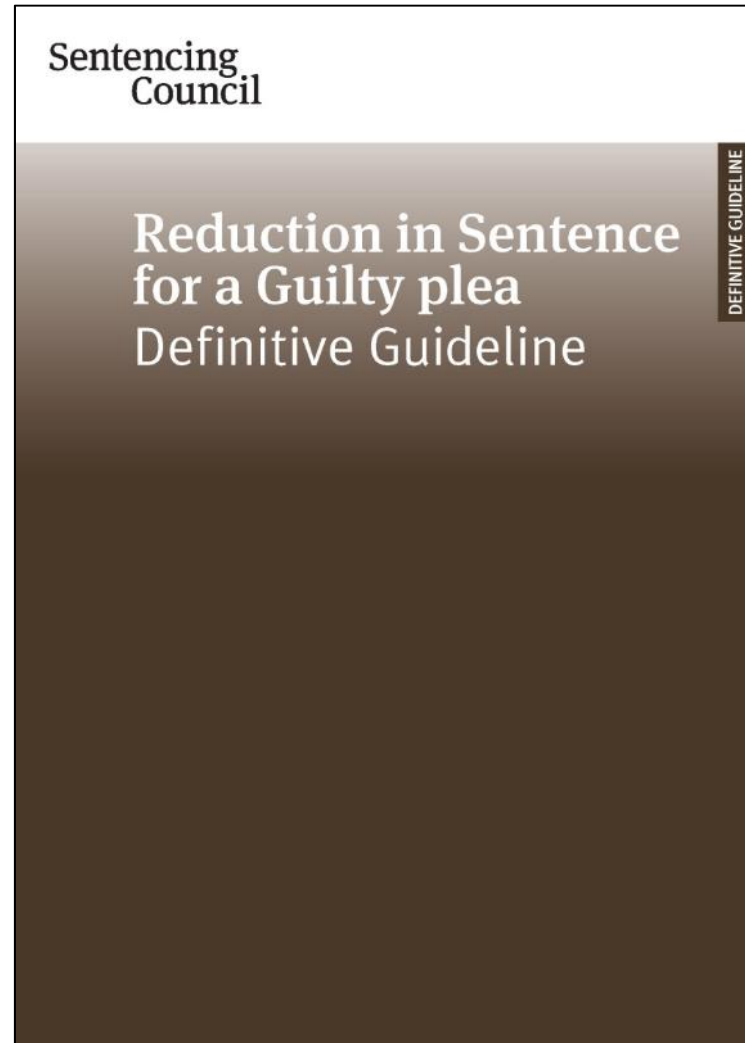


Sentencing
Council

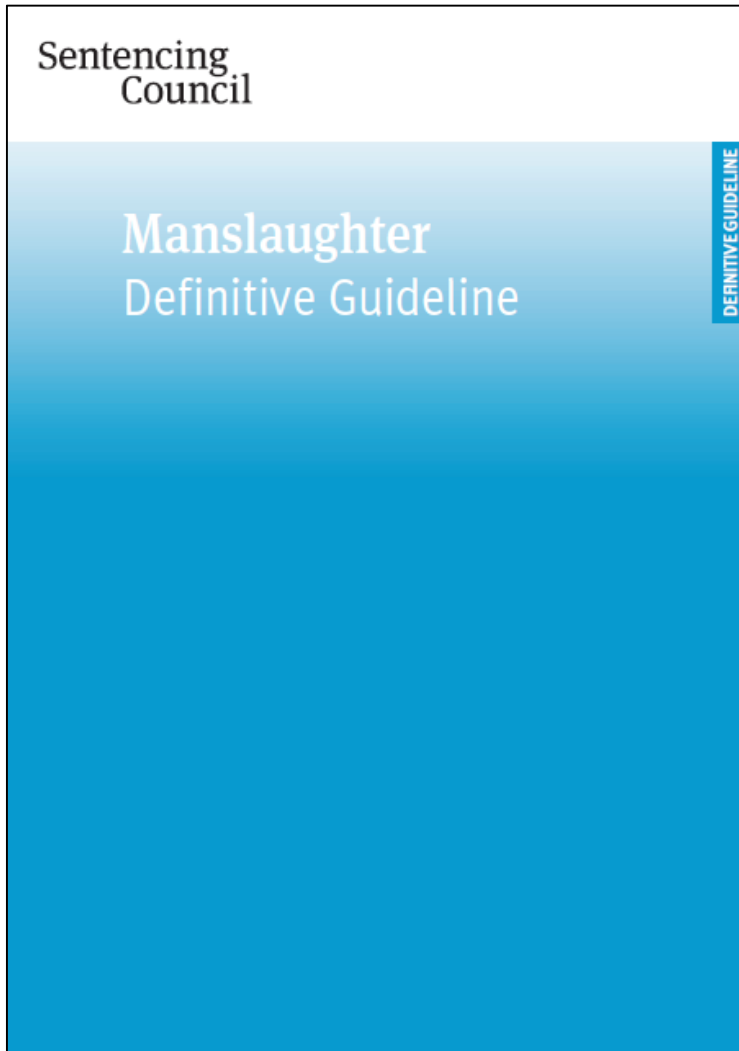
Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences Definitive Guideline

DEFINITIVE GUIDELINE

- Been in place since 1 February 2016
- In 2018/2019 fines totalled £54.5 million
- In 2017/2018 fines totalled £72.6 million
- In 2016/2017 fines totalled £69.9 million
- In 2015/2016 fines totalled £38.8 million
 - <https://www.sentencingcouncil.org.uk/publications/item/health-and-safety-offences-corporate-manslaughter-and-food-safety-and-hygiene-offences-definitive-guideline/>

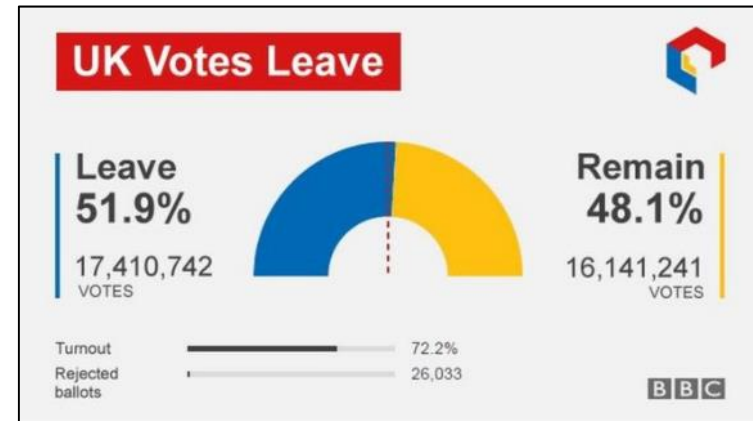


- Reduction in Sentence for a Guilty Plea
 - Published March 2017
 - Relevant for hearings 1 June 2017 onwards
 - <https://www.sentencingcouncil.org.uk/publications/item/reduction-in-sentence-for-a-guilty-plea-definitive-guideline-2/>



- Sentencing Guidelines for Manslaughter cases
 - Relevant for hearings from 1 November 2018
 - For individuals 18 years or over
 - 1-18 years range for Gross Negligence Manslaughter
 - <https://www.sentencingcouncil.org.uk/publications/item/manslaughter-definitive-guideline/>

EU Referendum – 23 June 2016
Withdrawal – 31 January 2020 (23:00hrs)
Transition – 31 December 2020



Key message remains which is that it is still business as usual for HSE – but....

Biocides, Plant Protection Products, REACH, CLP, Product Safety & Explosives

[HSE Brexit Guidance](#)

Grenfell: Next steps.....



- Consultation completed on 31 July 2019 on “Building a Safer Future”
 - <https://www.gov.uk/government/consultations/building-a-safer-future-proposals-for-reform-of-the-building-safety-regulatory-system>
- This followed the “Hackitt Review”
 - <https://www.gov.uk/government/collections/independent-review-of-building-regulations-and-fire-safety-hackitt-review>
- Building Safety Regulator
 - Currently will only apply to England
 - <https://www.gov.uk/government/news/new-measures-to-improve-building-safety-standards>



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Any questions?

