

Risk assessments

The Management of Health and Safety at Work Regulations 1999 require employers to carry out risk assessments. This factsheet summarises how risk assessments work and should help ATL safety representatives to ensure that best practice policies are implemented within their workplace.

What is a risk assessment?

A risk assessment is a careful examination of the work activities that could, whether on or off site, cause harm to people, so that your employer can weigh up whether they have taken adequate precautions or should do more to prevent harm.

Are risk assessments only applicable to employees?

No. Under regulation 3 of the Management of Health and Safety at Work Regulations 1999 employers must ensure they have conducted a suitable and sufficient assessment of the health and safety risks to employees and other persons not employed by that employer. This covers visitors, agency staff, building contactors, members of the public, pupils/students and parents/carers.

Who is responsible for conducting a risk assessment?

Risk assessments are the responsibility of the employer. Regulation 7 of the Management of Health and Safety at Work Regulations 1999 requires employers to appoint competent staff to assist them with risk assessments.

What is meant by a competent person?

Competency does not require a particular level of qualification but may be defined as a combination of knowledge, skills, experience and personal qualities, including the ability to recognise the extent and limitation of one's own competence. An outside consultant can be a competent person. Employees may also be competent persons, provided they have been suitably trained and given adequate time and resources to carry out the assessments.

Who decides if the person conducting the risk assessment is competent to do so?

It is the employer's responsibility to ensure that those carrying out the risk assessments are competent to do so. Employers also have a statutory duty to consult safety representatives in good time with regard to the arrangements for the appointment or nomination of competent persons. In some cases ATL safety reps have been asked to sign risk assessment records as the competent person. Risk assessments should be signed by the management or workplace safety officer, as the legal duty rests with the employer not with the safety rep. ATL safety reps, however, should be involved from the earliest stages of assessments.

Who counts as the employer?

The local authority is the employer for community, voluntary-controlled, maintained nursery schools and pupil referral units. For foundation and voluntary-aided schools, the employer is usually the governing body. For sixth-form colleges, the corporations and in independent schools, it is the governing body, trust or proprietor.

How should a risk assessment be conducted?

The Health and Safety Executive (HSE) guide, *Five steps to risk assessment*, sets out a step-by-step approach to risk assessment. These five steps are as follows.

Step 1: Look for, and identify hazards by visually inspecting the workplace, consulting employees and their representatives, looking at manufacturers' instructions or data sheets, and considering records relating to accidents, near misses and ill health.

Step 2: Decide who might be harmed and how.

Step 3: Evaluate the risks arising from hazards, and decide whether the existing precautions are adequate, or if more should be done. If something needs to be done, take steps to eliminate or control the risks.

Step 4: Record the findings.

Step 5: Review the assessment from time to time and revise it if necessary.

Five steps to risk assessment can be found at: www.hse.gov.uk/risk/fivesteps.htm.

What is a hazard?

A hazard is something with the potential to cause harm, including ill health or injury (eg lifting or moving equipment or furniture, slippery or uneven surfaces, electricity, working from a ladder, and a violent or disruptive pupil).

What is risk?

Risk is the chance that a hazard will harm someone during the course of work activities.

Should workplace stress and stressors be included within risk assessments?

Yes. Under section 2 of the Health and Safety at Work, etc Act 1974, employers have a duty of care to safeguard both your physical and mental well-being.

Are there any guidelines on risk assessing for stress?

Yes. In November 2004 the Health and Safety Executive issued the Stress Management Standards. These standards demonstrate good practice and encourage employers, employees and representatives to work together to tackle the key causes of stress, identified as: control; demands; relationships (eg bullying); support; your role; and change.

More information on the HSE's Stress Management Standards can be found at: www.hse.gov.uk/stress/standards.

The Management of Health and Safety at Work Regulations say that a risk assessment must be 'suitable and sufficient'. What does this mean?

Suitable and sufficient means that a risk assessment should:

- correctly identify a hazard
- disregard inconsequential risks and those trivial risks associated with life in general
- determine the likelihood of injury or harm arising
- identify those who may be at particular risk, such as pregnant or disabled employees
- take into account any existing control measures
- identify any specific legal duty or requirement relating to the hazard
- provide sufficient information to enable the employer to decide upon appropriate control measures, taking into account the latest scientific developments and advances
- enable the employer to prioritise remedial measures
- remain valid for a reasonable period of time.

Is it enough for an employer to make an assessment then forget about the results?

No. The purpose of the risk assessment is to identify measures needed to bring health and safety standards up to legal requirements. They should be reviewed periodically.

My employer informs me that he has conducted a risk assessment. However, I have never seen it and am not sure what is in it. Do I have a right to know?

Yes. Regulation 10 of the Management of Health and Safety at Work Regulations 1999 places an obligation on the employer to inform the employee of the hazards identified and the safeguards which have been put in place. Employers with five or more employees must also record the significant findings of the assessment.

My employer has asked me to carry out my own risk assessment. Is this allowed?

No. Although all employees have a legal duty to cooperate with their employers regarding health and safety matters, you should not take on any health and safety task that you believe to be beyond the limit of your competence.

Safety reps have a legal right to be consulted and can assist the employer with risk assessments. However, the risk assessment is a legal obligation for employers and should therefore be signed by them or on their behalf, once completed.

I am pregnant. What are my employer's obligations towards me in terms of health and safety?

Once informed in writing of an employee's pregnancy, the employer is under a duty by virtue of the Management of Health and Safety at Work Regulations to conduct a specific risk assessment and make any necessary adjustments to her working conditions. If risks cannot be controlled by adjustments, the employer must offer suitable alternative work and, if that is not practicable, ultimately suspend the employee on full pay.

Please note: The term 'new and expectant mothers' includes women who are pregnant, women who have recently given birth or miscarried within the previous six months, or who are breast feeding. Advice on their statutory rights can be found in the HSE's *Guidance on new and expectant mothers*, accessible at: www.hse.gov.uk/mothers/index.htm.

Do we need to conduct a risk assessment for taking students off site?

Yes. The risk assessment should address:

- the activity
- travelling and transport arrangements

- the special needs of any pupils
- ratio of adults to pupils/students
- emergency procedures
- pupils who may pose a risk to themselves and/or others.

For further advice on taking students off site, you can order (free to members) our comprehensive publication, *Taking students off site*, from tel: 0845 4500 009, email: despatch@atl.org.uk, or download from the 'Resources' section of our website at www.atl.org.uk.

If you require further information on risk assessments, ATL safety reps or any other health and safety enquiry, please contact ATL's member advisor on health and safety, Doru Athinodoru, tel: 020 7782 1598, email dathinodoru@atl.org.uk.



Need advice?

Your first point of contact is your ATL rep in your school or college. Your local ATL branch is also available to help with queries, or you can contact ATL's member advisers on **020 7930 6441**, email: info@atl.org.uk or write to 7 Northumberland Street, London WC2N 5RD. Don't forget you can also get lots of help and advice, as well as download copies of other ATL advice sheets, on our website at www.atl.org.uk

© Association of Teachers and Lecturers 2007. All rights reserved. Information on this sheet may be reproduced or quoted with proper acknowledgement to the Association.