

# Sensible Risk Assessments

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job-share

Sensible Risk Assessment from a Health  
and Safety Representative  
Perspective

# Qualifications

- Health and Safety Stage I
- Health and Safety Stage II
- Occupation Health and Safety

# Competent Person 1

The Management of Health and Safety at Work Regulations 1999 require that management appoint a 'competent person'. It is therefore a mandatory legal duty to appoint a 'competent person' who is competent to provide sound advice. This 'competent person' has to inform employees of any risks associated with their employment and these are identified by a 'risk assessment'.

# Competent Person 2

## Qualifications:-

In general the appointed 'Competent Person' in Bradford Council is a manager who runs a Department and is not given formal training in health and safety matters. He/she does however, have external support in the form of the Occupational Health and Safety Department. In my Department of Customer Services we also have the expertise of the Building Custodian in the Admin Department.

# Regulations and Reports

Robens Report

HASAWA

SRSC Regs

HS[G]65

# ROBENS REPORT

The Robens Committee 1970-1972 was the committee of 'Inquiry on Safety and Health at Work'. The report advocated a more self-regulatory approach to health and safety under a single and comprehensive framework. It was to ensure a wider cover for those affected by risks at work and provide Inspectors with new enforcement rights. The Health and Safety At Work Act was based on this report.

# The Health and Safety At Work Act 1974

Robens report was enacted in The Health and Safety At Work Act (HSW Act) and this Act then enabled the formation of the Health and Safety Commission. Joint Committees were set up and when the Health and Safety Executive was established it had various inspectorates. The inspectors were able to take enforcement action and apply penalties, plus they had the ability to prosecute and impose unlimited fines and imprisonment for offences considered to be more serious.

# The safety representatives and safety committees regulations 1977

The safety representatives and safety committees Regulations 1977 have been amended in 2008 but still contain the relevant information regarding 'competent people', identifying 'risk assessments' and requirements to consult safety reps on risk assessments.

Under Regulation 4A, a) 'arrangements for getting a competent person or persons to help them comply with health and safety requirements.

# The safety Representatives and Safety Committees Regulations 1977 cont.

‘The Management of Health and Safety at Work Regulations 1999(‘the Management Regulations’)(SRSC Regs. 2008:14), require the appointment of a ‘competent person’. Also in the Management Regulations is the requirement for them to tell employees about any risk identified by a risk assessment. These are all cited in the SRSC Regs. in Regulation 4A, paragraphs b), and c)(ibid:14).

# Thirty years have come and gone.

Thirty years ago this legislation was rolled out to a very different workforce to the one we have now. There were large employers on large sites with mainly men working full time. Now we have more small enterprises comprising of women working part-time workers, agency workers and a younger workforce. The legislation was for men in high risk establishments. Work for women is not considered hazardous.

# Risk assessments – tick lists?

A risk assessment should be seen as a living document, it should not be seen as a quick tick list which is barely thought about when completing. By talking to the employees and the safety representative an employer will get a better understanding of what risks are unapparent.

If we talk to a cleaner for instance what COSHH risk assessments have been done on the chemicals she uses, does she use these chemicals at home too, therefore having double exposure.

# Risk assessments – the sensible approach

When you did your last risk assessment was the safety representative involved in it?

How is the competent person decided?

Are they trained?

Do you follow the SRSC Regulations?

Have you ever read them?

# Are we all sensible now?

- I hope that this has encouraged you to look at the regulations regarding risk assessments from the point of view of the health and safety representative. I hope you also realise that by law the representative has to be involved and by law it is not them who will be brought to task, or court, for that matter, if the regulations are not adhered to. It will of course be the manager, or his/her manager if risk assessments are not being completed and if there is a fatality or a dangerous incident the Corporate Manslaughter and Corporate Homicide Act will ensure that those responsible will be taken to court and prosecuted.

# Bibliography

Dalton, A.J.P. (1982) *Health and Safety At Work For Managers and Supervisors*. Cassell Ltd, London.

James , P. And Walters, D. (1999) *Regulating Health and Safety at Work: The Way Forward*. Institute of Employment Rights, London.

Health and Safety Commission (1996) *Safety representatives and safety committees (Third edition)*.