



Do-it-yourself eKit

Risk Assessment

Create a risk assessment for health & safety in your business, and comply with the law

- ✓ For use by any office-based business
- ✓ Risk assessment templates included
- ✓ Background essentials on risk assessments and how to complete one

For use in England & Wales



Important Facts about this Lawpack Kit

This Lawpack Kit contains the background information, guidance and forms necessary to draw up some essential risk assessments for small to medium-sized employers who are primarily office based in England and Wales. We recommend that you read this Manual before preparing any risk assessment. The guidance section provides an introduction to some of the issues involved.

The Risk Assessment Forms provided in this Lawpack Kit cover some of the most common situations. It is not intended that they cover all scenarios.

The information this Kit contains has been carefully compiled from reliable sources, but its accuracy is not guaranteed, as laws and regulations may change or be subject to differing interpretations. This is particularly true for any figures given, which are liable to change. The law is stated as at 1 April 2010.

This Lawpack Kit is sold with the understanding that the publisher, author and retailer are not engaged in rendering legal services. If legal advice or other expert assistance is required, the services of a competent professional should be sought. Businesses engaged in particularly hazardous or complex processes should consider engaging the services of a risk consultant.

As with any legal matter, common sense should determine whether you need the assistance of a solicitor or other relevant expert rather than relying solely on the information and forms in this Lawpack Kit.

We strongly urge you to consult a risk consultant or a solicitor if:

- you do not understand the instructions or are uncertain how to complete and use a form correctly;
- what you want to do is not precisely covered by the forms provided;
- your business is engaged in a particularly hazardous or complex process.

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How to use this Kit

-  This Lawpack Kit can help you achieve an important legal objective conveniently, efficiently and economically. Nevertheless, it is important for you to use this Lawpack Kit properly if you are to avoid later difficulties.
-  Read this Manual carefully. If after consideration you decide that your requirements are not met by this Lawpack Kit, or you do not feel confident about completing a risk assessment, seek further advice.
-  This Kit provides five risk assessment templates: one generic risk assessment and four risk assessments for specific workplace situations. On pages 6 and 7 there is an example of a completed generic risk assessment for guidance. The generic risk assessment will be particularly useful for new businesses conducting their first risk assessment or for existing businesses who wish to review matters generally. Quite often this may lead to one of the more specific risk assessments being carried out, but this will inevitably depend on the circumstances.
-  Further risk assessments should be carried out after any workplace accident.
-  Always keep legal documents in a safe place. We suggest that you keep your risk assessments together with your Health and Safety Policy document. [Health and Safety Policies](#) are also available from the Lawpack website; for further information about health and safety in general we recommend that you read Lawpack's bestselling *Health & Safety at Work Essentials* book.

Risk Assessment Templates

This Kit provides the following five template risk assessment documents:

- Form A** Generic risk assessment
- Form B** Workstation (Visual Display Unit, 'VDU') risk assessment
- Form C** Manual handling risk assessment
- Form D** New or expectant mothers risk assessment
- Form E** Hazardous substances risk assessment

This is an excerpt from Lawpack's *Risk Assessment Kit*.

To get more expert advice on making a risk assessment for your business, [click here](#).

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Introduction

The law states that it is an employer's duty to ensure that the risks to health and safety of its workforce are properly controlled and that there is correct provision for employee's welfare. In certain circumstances, this responsibility extends to the self-employed and to the protection of the health and safety of other people who may be affected by your business. It is not always easy for business owners to find out exactly what is expected of them. It is hoped that this Kit, which is aimed towards the small to medium-sized business, which is primarily office based, will help you navigate important aspects of health and safety law and in particular to undertake some essential risk assessments.

This Kit provides you with the relevant background information about why risk assessments are important, the law, what the consequences are for not undertaking a risk assessment, what risk assessments are, who should undertake them, how long a risk assessment is valid and how to undertake an effective risk assessment. The Kit provides a generic risk assessment form and also provides forms for specific risks that cover some common situations; these are risk assessments for workstations, manual handling, new or expectant mothers and for hazardous substances. Another important risk assessment is a fire risk assessment. This has not been covered in this Kit. Lawpack produce a separate [Fire Risk Assessment Kit](#) which is available online at www.lawpack.co.uk.

Why risk assessments are important

A risk assessment helps an employer prevent accidents. It helps keep employees healthy and safe. This in turn helps an employer maintain an efficient and profitable business. In the UK it is estimated that absenteeism costs employers a staggering £13 billion per year. Small companies, where the absence of one or two employees can make a huge difference, are the hardest hit. Accidents and injuries affect people's lives; they damage morale amongst the workforce and can severely affect an employer's reputation.

The law

The [Health and Safety at Work Act 1974](#) (known as the 'HSW Act') imposes general obligations upon business owners to ensure that their premises, systems of work and equipment do not pose a risk to their employees. The law covers not only those who work full time but also part-timers, casual workers and outside contractors. It also includes others who may use your business premises or equipment, which may include visitors and delivery drivers.

There are also several sets of Regulations which implement European legislation. 'The Regulations' tend to relate to specific issues or risks in the workplace. It is of course impossible to make your premises 100 per cent safe and risk-free, and both the HSW Act and the Regulations recognise this. However, the [Management of Health and Safety at Work Regulations 1999](#), (MHSW Regulations) which are accompanied by an approved code of practice, are strict and must be complied with. This is in contrast to the obligations under the HSW Act and other Regulations that are qualified by the

term ‘so far as is practicable’ or ‘reasonably practicable’, i.e. capable of being accomplished and the cost of doing so would not be grossly disproportionate to the reduction in the risk. The approved codes of practice which accompany the Regulations have a special legal status similar to that of the Highway Code.

To ensure a safe workplace, the MHSW Regulations state that it is the employer’s responsibility to carry out a suitable and sufficient assessment of the risks to the health and safety of employees in order to identify hazards, evaluate the extent of risks and take appropriate action. In addition, an employer must carry out a further assessment after an accident has occurred and should do so following a ‘near miss’ incident.

All employers are legally required to assess the risks in the workplace so that they can put in place a plan to combat the risks. If you have more than five employees you are legally required to keep a written record of the assessment; if you have fewer than five, it does not have to be written down. Employers are not expected to eliminate all risks. They must however know about the main risks that affect them and take steps to minimise them.

What are the consequences of not undertaking a risk assessment?

A criminal offence is committed under the MHSW Regulations if an employer either does not make a risk assessment or makes one which is not suitable and sufficient.

Failure to produce a risk assessment can also be evidence of a breach of duty under civil law, which could result in a ‘civil action’. In a civil action, a ‘claimant’ (the wronged person) sues a ‘defendant’ (the wrongdoer) for a ‘remedy’ – usually financial compensation. This would be the case, for example, if an accident has occurred and the claimant can prove that if a risk assessment had been undertaken then the accident would probably not have occurred. The sums involved can range from hundreds to several million pounds, depending on the severity of the injury sustained and the consequential effects of the injury. Such an event would also be very likely to lead to an increased premium for future insurance.

Health and safety laws which apply to a business are enforced by inspectors from either the [Health and Safety Executive](#) (HSE) or from the local authority. They will sometimes visit following an accident, but can also visit without warning. They have the right to talk to employees, take photographs and samples. If there are problems they could issue a notice requiring improvements (‘an improvement notice’) or issue a notice prohibiting use of dangerous equipment (‘a prohibition notice’). Ensuring that appropriate risk assessments are carried out will assist in reducing the chances of this happening.

What are risk assessments?

A recent court case provides a useful and succinct explanation of what risk assessments are. The court stated that ‘risk assessments are meant to be an exercise by which the employer examines and evaluates all the risks entailed in his operations and takes steps to remove or minimise those risks’.

A risk assessment helps you focus on the risks that really matter in your workplace.

In other words, the ones that could potentially cause real harm. It helps to break the assessment down into three stages:

1. **Risk** – a risk is the likelihood, be it high or low, that someone may be harmed by a hazard.
2. **Hazard** – a hazard means anything that can cause harm; for example, working at height or with chemicals.
3. **Assessment** – a risk assessment is a careful examination of what could cause harm to people in a particular workplace. It needs to be decided whether a hazard is significant, how serious the harm could be and whether it has been covered by a satisfactory precaution so that the risk is greatly reduced. If it is not covered, it needs to be decided what precaution should be taken. This may involve training for your staff. Ultimately, the aim of a risk assessment is to identify what more needs to be done.

Who should undertake the risk assessment?

If yours is a small to medium-sized business, then an assessment can be undertaken within the business. A larger company may wish to ask a risk consultant to assist; but remember that the employer is ultimately responsible for ensuring that the risk assessment is adequately undertaken.

For how long is a risk assessment valid?

You will need to review the assessment regularly. A formal review should certainly take place every year or so. The assessment should also be reviewed following an accident at work or, for example, if new machines or substances are bought onto the site. As your business grows, you will employ more people and invest in it further, and perhaps bring in different equipment. When your business grows, there will also be a growth in hazards.

Preparing yourself to make the risk assessment

The guiding principle is to keep things simple. It is a combination of observation and common sense. It is often the overlooked hazards which you probably need to concentrate on. For example, if you are a reputable employer, you will already have ensured that a potentially harmful machine is correctly guarded; instead, you may have to look at a low beam at the entrance to your building or a steep inside staircase that you need to make people aware of, or your systems for dealing with lifting heavy loads. Taking the correct precautions may simply mean a well-placed sign.

How to undertake an effective risk assessment

We consider that for many risks the generic risk assessment Form A provided in this Kit is appropriate. Use this form to document your findings. Further guidance on

completing the form is given below and a completed example is shown on pages 6/7.

Stage 1: Look for hazards

Spend time, ideally with a colleague, walking around your workplace with a critical eye. Think about what could go wrong at each stage of what you do. Identify and document all areas that you think could be hazardous and the type of hazards involved. The following are commonly recognised as potential risk areas within an office environment:

- Floors
- Waste disposal facilities
- Furniture
- Electrical equipment, including Visual Display Units (VDUs)
- Printers
- Photocopiers
- Lighting
- Ventilation
- Heating
- Air conditioning
- Fire precautions
- Water and sanitary facilities

You should specifically consider, for example, issues such as slips/trips, manual handling, working at height, stress, lone working, the needs of new or expectant mothers and hazardous substances.

List all significant hazards. If a risk is trivial and could not realistically result in any significant harm, you do not need to record this.

Discuss with your workforce or their representatives any concerns they have and, if legitimate, add them to the list. Do not forget your own experience. Have you had any accidents? If so, document them.

Check your accident record book to see if there are any types of injuries or accidents that recur regularly. If you are a member of a trade organisation, contact them. Many produce helpful guidance. Also check manufacturer's instructions or data sheets.

Stage 2: Assess who may be harmed and how

If it is, say, a low beam at the entrance of your building, then everyone who enters it is at risk of an injury to their head. Not only are your employees in danger of hurting themselves, but your visitors are also. You do not want the embarrassment of an important customer being injured whilst visiting you. New employees, who are unfamiliar with your office/shop floor/warehouse layout, will need particular attention; likewise, consider any work experience or temporary staff or those with special needs. (If you share your workplace with others you need to consider their

views too or how your work affects them). You do not need to name individuals but identify groups of people, for example, 'temporary staff'.

Stage 3: Consider the risk and decide whether the precautions in place are adequate; alternatively, consider whether more could be done in taking action

Ask yourself:

- Can I get rid of the hazard altogether?
- If not, how I can control the risk so that harm is unlikely?

Think about the following:

- What is the worst result? For example, is it a cut finger or death?
- How likely is it to happen?
- How many people would be affected if things did go wrong?
- What training should be given to ensure staff are aware of the risks and how to avoid them?

If you discover a potential hazard that may endanger someone's safety and you regard it as significant, then you need to decide how best to reduce the risk. Ideally, you should eliminate the risk altogether by getting rid of the hazard, but often the situation is not as clear-cut as this. The law requires you to do all that is reasonably practicable to ensure your place of work is safe. Look at the following in this order:

1. Try a less risky option.
2. Prevent access to a hazard.
3. Organise work to reduce exposure to the hazard.
4. Issue personal protective equipment.
5. Provide appropriate training.
6. Provide welfare facilities, e.g. first aid.

At the very least, you need to do everything necessary to meet the legal safety requirements and industry safety standards.

Stage 4: Document your findings and implement them

As above, we suggest that you use Form A for assessing most types of risk. Form A is a template for a generic risk assessment, with relevant headings. There is no specific format required when completing a risk assessment.

If you employ five or more people you must record the significant findings of your assessment. You may find it useful to include these documents with your own health and safety policy document and record of health and safety arrangements. If you employ fewer than five people it is still a good idea to record your findings in writing,

FORM F EXAMPLE GENERIC RISK ASSESSMENT

Name of Employer:		Premises/Work area:		Assessor's name and position in company:		Date of risk assessment:		
Any Solicitors		London Office		A Smith, Office Manager		01/01/10		
Hazard Identified	Who is at risk?	What harm might be caused?	Existing controls	Risk Evaluation (See assessment criteria/matrix. P = Probability S = Severity)	Action Required	By whom	By when	Date Completed
Working at height.	Staff including secretaries filing documents at top of cabinets.	Bruising and fractures.	None	P=5xS=3=15	Purchase of suitable step stools to avoid staff standing on chairs.	Office manager.	2 weeks	14/1/10
Tripping hazards e.g. files, cables, boxes.	Staff, contractors and visitors including work experience individuals.	Cuts, bruises, strains and fractures.	<ul style="list-style-type: none"> Clear floor policy. Staff training provided. Offices cleaned daily. Good lighting in all areas. Inductions for work experience individuals. 	P=3xS=3=9	Remind staff about clear floor policy.	All staff, managers to supervise.	2 weeks	14/1/10
Collecting confidential waste sacks.	Facilities staff.	Back strains, pulled muscles.	<ul style="list-style-type: none"> Staff trained in lifting techniques. Sack trolley provided. 	P=3xS=3=9	Reminder to facilities staff that excess waste from overfilled sacks should be moved into an additional sack.	Facilities manager.	2 weeks	14/1/10