

Risk Assessments

There has recently been much misinformation about the use of risk assessments and whether they can be overridden if they are an inconvenience to the public. This is an opportunity to clarify what risk assessments are and the purpose of them.

There is a piece of legislation called the 'The Health and Safety at Work Act 1974' that makes it a legal responsibility of all employers with 5 or more staff to ensure that their workplace is safe and free from hazards that may cause serious harm, injury or even death, which may require that some form of risk assessment is carried out.

The detail of a risk assessment is laid down in 'The Management of Health and Safety at Work Regulations 1999 Regulation 3' and gives a complete breakdown of all the different aspects of a risk assessment and the different circumstances in which a risk assessment is required. According to this legal framework, employers and business owners must 'make a suitable and sufficient assessment of:

- a) the risks to the health and safety of employees to which they are exposed whilst they are at work; and,
- b) the risks to the health and safety of persons not in employment arising out of or in connection with the conduct by him of his undertaking. '

That last statement covers those 'not in employment' such as contractors, members of the public and visitors to the place of work. Where major works are concerned a business or employer is more likely to enlist the help of a specialist consultant to draw up the risk assessment; that will ensure every part of the legal requirement is covered.

[Sample Risk Assessment](#)

Once a risk assessment is drawn up, the business or employer must then put in place measures to reduce the risk. These are known as 'control measures' and are used to reduce risks to an acceptable level or even to completely mitigate them. The controls can be barriers, signs, notices, closures, training; the list goes on.

It must be appreciated that a risk assessment is a legal document and nothing must be done to compromise that legality. If an accident happens due to the lack of control measures then that becomes a criminal offence, for which the business or employer will receive harsh penalties, even a custodial sentence.

The next update will relate to on-going circumstances at The Market Place Shopping Centre.