

# Managing risk

## Introduction

The National Audit Office (NAO) report of April 2003, *A safer place to work: improving the management of health and safety risks to staff in NHS trusts*, identified major failings in the identification and management of risk by NHS organisations. Its authors believed that effective risk assessment and improved risk management could drastically reduce the number of accidents in the NHS each year. To achieve this, NHS employers would have to place greater emphasis on training all staff in risk assessment procedures.

Indications from recent court cases, and from HSE inspections, suggest that there is still room for improvement in NHS risk management processes.

This section looks at the responsibility for managing risk within an organisation. Details on the risk assessment process can be found in the chapter on risk assessment.

## What is risk assessment?

Risk assessment is:

- identifying the hazards that exist in a workplace
- assessing how likely these hazards are to cause harm to workers and others
- deciding what prevention or control measures are needed.

It is part of the systematic approach that employers are legally required to adopt in order to manage health and safety effectively.

## The legal position

There has been an implied requirement under the Health and Safety at Work etc Act 1974 for an employer to carry out risk assessment, as the act lays down that 'reasonably practicable' precautions have to be taken to ensure the safety of staff and others on an employer's premises.

The Management of Health and Safety at Work Regulations 1992 impose specific risk assessment requirements. The main requirements are:

- all employers and self-employed persons must carry out an assessment of health and safety risks to employees and to others who would be affected
- there must be a specific assessment of work that may put at risk the health of a new or expectant mother, or her baby, where women of child-bearing

age are employed (Management of Health and Safety at Work [amendment] Regulations 1999)

- if there are five or more employees, the significant findings must be recorded
- risk assessment data must be shared with others (employees and other relevant persons) and, in specified circumstances, assessments must be reviewed as appropriate.

Risk assessments must be carried out in order to identify actions that need to be taken to comply with these requirements.

## Employer responsibilities

The chief executive has the overall statutory and operational responsibility for managing health and safety on behalf of the organisation. A board member (ideally an executive director) should be allocated clear responsibility for overseeing health and safety risk management across the whole organisation. This will show the board's commitment to the health and safety of staff, patients and visitors, and to the effective management of risk.

In addition, all employees have a responsibility to understand their role in managing health and safety risks, both present and potential, not only to themselves but also to others who may not seem to be directly affected.

The appointed director, working on behalf of the chief executive and board, should be responsible for ensuring that appropriate risk management strategies and systems are in place, and that properly-trained health and safety advisers are employed. Regular reports should be made to the board giving details concerning health risks and health and safety performance, noting emerging trends and recommending action as necessary. The board should ensure that sufficient time is allocated to discuss them.

For an employer, the main risk assessment duties include:

- making a suitable and sufficient assessment of the risks to the health and safety of employees and the risks to others, such as patients, who may be affected
- identifying the preventative and protective measures needed to improve workplace health and safety
- introducing the preventative and protective measures needed
- reviewing the assessment if there is reason to believe that it is no longer valid, for instance, if the process has changed, the building has been refurbished or an experienced member of staff has left
- keeping a written record of the findings of the assessment and any groups of employees particularly at risk
- having arrangements in place for the effective planning, organisation, control, monitoring and review of the preventative and protective measures

- providing any health surveillance identified in the risk assessment
- appointing competent people to assist the employer
- establishing procedures to be followed in the event of serious and imminent danger
- providing effective health and safety information, instruction and training for all employees on a regular basis, and ensuring that the training is updated and repeated on a regular basis
- consulting regularly with safety representatives and staff.

### What is meant by 'competent persons'?

The NAO report found that only 43 per cent of NHS health and safety staff were accredited to the level of membership of the Institute of Occupational Safety and Health (IOSH). A further 16 per cent held a general certificate in health and safety and 6 per cent held an NVQ in health and safety management. Furthermore, 17 per cent held various other qualifications at certificate level and 18 per cent had no qualification at all.

The Department of Health accepted the National Audit Officer (NAO) recommendation that all NHS employers should aim to have competent persons, who are accredited IOSH members, responsible for the day-to-day health and safety of their organisation.

NHS employers should consider the following when looking at this role:

- the people may be employees or outside consultants
- they must be familiar with the work of the NHS and with the special problems associated with managing a 24-hour, 365-days-a-year service
- it is advisable for NHS employers to have their competent health and safety advisers in-house rather than buying in services from external organisations that have little experience of the NHS
- there must be sufficient competent people to carry out the work
- they must be given adequate time and resources to carry out their functions, as well as adequate decision-making authority.

NHS trusts will be able to achieve this by working in partnership with IOSH.

### Eliminating risk

In an organisation as large and as complex as the NHS, it will never be possible to eliminate risk completely. However, employers should aim to eliminate as many unnecessary risks as possible. Where this is not possible, they need to reduce risk to a level that is considered acceptable by:

- combating risks at the source

- adapting work practices to make them safer
- taking into account any health factors affecting the work of individuals
- giving priority to measures that protect the whole workforce
- ensuring all staff are appropriately trained and aware of their responsibilities.

Details on the process of risk assessment can be found in the chapter on risk assessment.

## Keeping records

When risk assessment takes place, employers must ensure that records are kept and maintained to a satisfactory standard to avoid risks recurring.

Under the Management of Health and Safety at Work Regulations 1992 it is a legal requirement, where there are five or more employees, to:

- record the significant findings of the risk assessment
- record the arrangements for planning, organisation, control, monitoring and review of the measures taken
- establish procedures for serious and imminent danger and for danger areas.

The records employers are required to keep will vary in range and will depend on the division of duties between different staff and departments, and the way in which information is communicated. In general, however, the records kept have four distinct functions. These are:

- to ensure legal compliance, in particular the requirement to keep risk assessments on file for inspectors' visits
- to provide a guide to safe working practices within the organisation, identifying additional precautions that need to be implemented to provide a safe place and system of work
- to act as a pointer to issues that need to be addressed when devising staff training, for induction, skill training and the promotion and development of supervisory and managerial staff
- to become a baseline against which the work of the organisation can be audited. Documenting safe working arrangements provides a template against which actual performance can be judged.

The records themselves could be as simple as:

- including a list of core and other activities undertaken by staff
- identifying those that represent a significant risk and have therefore been assessed as such
- risk assessment forms and staff training records.

Each major risk assessment should include, in the records, the next time the work or task is to be reviewed. The records must be securely held, in compliance with the Data Protection Act 1998.

## Benchmarking

Many organisations find it useful to measure their performance both within the organisation, area against area, and externally against other similar organisations.

National benchmarking clubs already exist in the NHS, covering a number of areas of work such as health and safety, occupational health and hotel services.

## More information

The Institute of Occupational Safety and Health  
The Grange  
Highfield Drive  
Wigston  
Leicestershire  
LE18 1NN  
Tel 0116 257 3100  
[www.iosh.co.uk](http://www.iosh.co.uk)

Further details of these and other benchmarking groups can be obtained from:

The National Performance Advisory Group (NPAG)  
87 Coval Lane  
Chelmsford, Essex  
CM1 1TQ  
Tel 01245 544600  
Fax 01245 544610  
[www.npag.org.uk](http://www.npag.org.uk)  
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