Loss prevention standards

Risk Assessments During Rapid Change Events

Practical guide in effective risk assessment for claims defence and good risk management practice

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Risk Assessments During Rapid Change Events

Introduction



Risk assessment is one of the cornerstones to achieving effective risk management as it enables companies to identify, prioritise and control risk exposures, minimise accidents and incidents and support robust claims defence.

Even though risk assessments have been enshrined in European Union and United Kingdom legislation since 1992, companies can still fall short when completing them. Aviva sees risk assessments still failing to cover all foreseeable risks, not being considered suitable and sufficient or controls not being implemented correctly. This can significantly impact the potential to defend claims successfully. Documentation surrounding risk assessments can also be found lacking in detail, not updated regularly or communicated to employees, sitting gathering dust on shelves or buried within company intranets. With the pace of change accelerating, it has never become more important to keep on top of the risk assessment process.

Risk assessment is an essential component of the 'planning and implementation' phase of effective health and safety management and helps decide on priorities and objectives for eliminating hazards and controlling and reducing risks.

This Loss Prevention Standard is intended to highlight common pitfalls and how to keep your risk assessments "live" and meaningful in a Volatile, Uncertain, Complex, Ambiguous (VUCA) world.

Common Pitfalls

Below are some of the re-occurring themes that Aviva Risk Consultants see on a regular basis and examples of recent cases and prosecutions.

Common pitfalls include:

- Carrying out a risk assessment to justify a decision that has been already made
- Using a generic assessment when a site-specific assessment is needed
- Only considering the risk from one activity
- Not involving a team of people or not including employees with practical knowledge of the process/activity being assessed
- Ineffective or inappropriate use of consultants to carry out risk assessments
- Ineffective identification of all hazards associated with an activity/task
- Failure to consider all reasonably foreseeable outcomes
- No consideration given to reducing the risk as low as is reasonably practicable (ALARP) or to further improvements that could be made to reduce risk
- Not linking hazards with risk controls
- Not doing anything with the risk assessment results, i.e. "tick in the box" exercise only
- Vague language used in risk assessment documentation, e.g. "regular", "occasional"
- Not including non-routine activities, such as breakdown, maintenance, etc.

The Health and Safety Executive (HSE) expects that controls in place must, at a minimum, achieve relevant good practice precautions standards and should be appropriate to the risks being considered.

Make sure all types of risk assessments have been completed

The requirement to undertake risk assessments falls under a number of health and safety regulations and often key tasks or risk exposures are missed, or a "suitable and sufficient" risk assessment is not carried out in accordance with the different requirements.

The overarching duties in respect of risk assessment are found within the Management of Health and Safety at Work Regulations 1999, however many other pieces of UK health and safety legislation require risk assessments to be undertaken.

All risk assessments should be "suitable and sufficient", i.e. identify all key risks, implement suitable controls and be valid for a reasonable period of time.

However, in times of rapid change such as during a pandemic, e.g. COVID-19, advice can change daily as the situation, knowledge base and evidence evolves. It is important, therefore, to keep up to date with such developments and review risk assessments regularly. Amendments to risk assessment content and control measures will be needed as advice and knowledge or technological advancements are made. Risk assessment documentation should reflect the timelines of reviews and updates to support future claims defensibility. Always date risk assessments and the responsible person should sign to validate them as correct.

Links to various sources have been provided at the end of this document to help you during periods of high demand and rapid change. Do not forget to record the timelines as guidance, updates or technological advances are made.

Think of the general risk assessments required under the Management of Health and Safety at Work Regulations as the "umbrella" that covers all aspects of the task/activity. If done correctly it should highlight where other more detailed risk assessments may be required such as:

- Manual handling
- Provision and use of work equipment (PUWER)
- Dangerous substances and explosive atmospheres (DSEAR)
- Control of substances hazardous to health (COSHH)
- Noise at work
- Vibration
- Legionella
- Display screen equipment

It is important that where risks are identified such as the above, that a specific risk assessment is completed under the requirements of those Regulations. For example, hazardous substances, do not just rely on the material safety data sheet, a quantified risk assessment should be carried out that incorporates the way the substance is purchased, stored, diluted and decanted, used and disposed of and the risks to employees and others at each stage and who may be affected. It is also a good idea to develop a risk assessment register to keep track of all activities and risk assessments that are required, review periods, etc.

Recent examples of prosecutions
Here are some links to recent prosecutions where risk assessment failings were identified as a contributory factor:

- https://www.shponline.co.uk/in-court/600000-fine-for-yoghurt-manufacturer/
- https://www.shponline.co.uk/in-court/oak-furnitureland-parent-company-fined-for-serious-health-and-safety-breaches/
- https://www.shponline.co.uk/in-court/company-fined-again-for-safety-breaches/
- https://www.shponline.co.uk/in-court/west-dunbartonshire-council-fine/

Qualitative vs Quantitative
The rule of thumb is do not overcomplicate risk assessments, keep in mind your audience and who these will need to be communicated to.

A qualitative risk assessment is a systematic examination of what in the workplace could cause harm to people, to enable decisions to be made as to whether existing precautions or control measures are adequate or whether more needs to be done to prevent harm. Further information can be found in the HSE guidance on carrying out simple, qualitative assessments 'Five steps to risk assessment' (HSE, 1999), click here.

Quantitative risk assessment allocates a value to likelihood of a hazard being realised and the severity of the consequence, e.g. the 5x5 matrix. Depending on the complexity of the industry, quantitative risk assessments can involve Hazard and Operability study (HAZOP), Failure Mode and Effect Analysis (FMEA) type studies, e.g. the chemical industry.

Risk Assessment and Claims Defence

Risk assessments should be documented, and records maintained for a defined period of time as they are an important document in claims defence and should remain easily retrievable. A document retention register is a good idea to facilitate ease of retrieval. It should include all hazards, risks and what has been done to manage the risks and protect the health and safety of employees and others who may be impacted by the activity.

Where improvements or actions have been raised, ensure that action taken is documented to evidence implementation.

Where risk assessments are relevant to a claim, these will most likely need to be disclosed as part of a defence, and so these need to be of good quality. Where risk assessments may have been reviewed as part of an accident investigation, both the pre and post risk assessment should be included. Further guidance is available on pre-action protocols on the Ministry of Justice website.

Keeping Risk Assessments Relevant

Risk assessments form an important part of on-going occupational health and safety management plan and must remain relevant and reflect current business operations.

"The only constant in life is change" Heraclitus, Greek Philosopher.

Risk assessments can quickly become out of date, so they need to become an integral part of everyday business operations and a natural part of change management thinking. Tips include:

- How many people do the changes affect and does this invalidate the current risk assessment?
- Is this change something that has been done before by others and could we learn from this when reviewing the risk assessment?
- Are the correct people completing the risk assessment?
- Is this a temporary situation or permanent change?
- Have we reviewed new technology or other solutions that may improve control measures further and reduce risk?
- Is there a process in place that identifies when risk assessments require review?
- Are "After Action Reviews" undertaken following significant incidents or routinely at health and safety meetings for collective learning and operational improvement that include risk assessment effectiveness?

Key to success is the development of a resilient system where risk assessments can be quickly updated and communicated. According to Hollnagel, Woods and Leverson (2006) a resilient system has the ability to:

- Respond in a robust yet flexible manner
- Monitor what is going on, including its own performance – how effective are risk assessments?
- Anticipate risk events and opportunities, e.g. pandemic, changes in machinery, working practices
- Learn from experience

Quick detection, and early response can help failures be avoided and significant incidents/losses occurring. The aim is to use risk assessments as one way of developing a high reliability health and safety management system.

Effective Use of Risk Assessment During Rapid Change Events

2020 has seen the rapid rise of the global pandemic caused by COVID-19, leading to significant changes to business operating models, practices and operations. This is probably the largest single global change event seen in recent history with advice changing daily.

Regular reviews of risk assessments will be essential during this period to ensure that employees and third parties remain safe. It is likely that most, if not all of current risk assessments will need reviewing to add in the risks posed by COVID-19. This should include any workplace and operational changes that are required.

Keeping people safe and managing the risks effectively could include:

- Simplifying work processes and operations – good examples include food retailers who are reducing their stock keeping units (SKUs) and product ranges to more essential items only
- Stockpiling of key goods for essential users
- Personal hygiene and hand washing protocols
- Personal protective equipment – respiratory protective equipment, gloves, protective clothing, etc.
- Social distancing protocols
- Isolation protocols for suspected cases
- Increased numbers working from home and remotely
- Managing safety critical operations
- Absence management
- Mental health and wellbeing
- Vulnerable groups

- New interested parties involved in the working processes
- Working patterns changing, e.g. delivering goods at night
- Temporary relaxation of statutory requirements
- Furloughed employees
- Recruitment of temporary employees, for example supermarkets
- Closing or mothballing of sites
- Reopening of premises
- Increased use of volunteers
- Fatigue
- Staffing levels

It is important that risk assessments are updated and reviewed when changes occur, new guidance is issued from Government or additional ones developed where new activities are introduced. It is advisable to keep risk assessment formats as simple as possible to enable changes to be made quickly and be readily understood by all. Several templates have been produced to support businesses during these rapidly changing times (see links below).

All changes should be communicated to all affected and records maintained. It is recommended that a documented process is instigated to capture the timelines of changes.

To keep up to date on Government guidance during COVID-19 you can register here.

Checklist

A generic Risk Assessments During Rapid Change Events Checklist is presented in Appendix 1 which can be tailored to your own organisation.

Specialist Partner Solutions

Aviva Risk Management Solutions can offer access to a wide range of risk management products and services via our network of Specialist Partners who are reputable companies offering agreed discounted rates for Aviva customers.

For more information please visit:

Aviva Risk Management Solutions – Specialist Partners

Sources and Useful Links

- Good practice and pitfalls in risk assessment – HSE
- Five common risk assessment mistakes (and how to avoid them) – Safety & Health Practitioner
- Example risk assessments – HSE
- Assessing compliance with the law in individual cases and the use of good practice - HSE
- Advice for employers on social distancing during coronavirus (COVID-19) – GOV.UK
- Coronavirus (COVID-19): restrictions on businesses and services – nidirect government services
- Coronavirus (COVID-19) – indirect government services
- Coronavirus (COVID-19): business and social distancing guidance – GOV.Scot
- Coronavirus in Scotland – GOV.Scot
- Taking all reasonable measures to maintain physical distancing in the workplace – Welsh Government
- Coronavirus (COVID-19) – Welsh Government
- Considerations for businesses and risk managers during the Coronavirus/COVID-19 outbreak – Institute of Risk Management

Additional Information

Relevant Loss Prevention Standards include:

- Claims Defensibility
- Accident Recording and RIDDOR Reporting

To find out more, please visit Aviva Risk Management Solutions or speak to one of our advisors.

Email us at riskadvice@aviva.com or call 0345 366 6666.*

*Calls may be recorded and/or monitored for our joint protection.

Appendix 1 - Risk Assessments During Rapid Change Events

Location	
Date	
Completed by (name and signature)	

	Suitable and Sufficient	Y/N	Comments
1.	There is a risk assessment task inventory in place?		
2.	All reasonably foreseeable tasks/activities where significant risks have been identified are captured in a documented risk assessment?		
3.	Where generic risk assessments are used, are these tailored at local level for site specific hazards/risks that are identified?		
4.	Are non-routine tasks such as cleaning and maintenance included?		
5.	Are all risk assessments and associated activities documented and records retained?		

	General vs Specialist Risk Assessments	Y/N	Comments
6.	Where general risk assessments have identified where a specialist risk applies, more detailed assessments have been undertaken, e.g. manual or repetitive work, exposure to hazardous substances, machinery, vehicles, etc.?		
7.	All risk assessments linked to a task are identified and connected?		
8.	Where specialist input is required, this is sought to ensure that a comprehensive, fact-based assessment is carried out?		

	Keeping Risk Assessments Relevant	Y/N	Comments
9.	Risk assessments are reviewed: a) Following a change in organisational structure? b) As part of a new or changed work processes? c) Following an incident? d) If they become out of date – new Government guidance or industry guidance? e) During a rapidly developing situation, e.g. global pandemic?		

10.	Additional comments:

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