



## Validation of your Covid-19 Risk Assessment

As many of our clients continue working, or are preparing to return to work, restrictions imposed to manage COVID-19 are an increasing challenge. Insurers will expect businesses to be and continue to remain compliant with existing legal obligations, specifically the duty imposed on all employers by the Health and Safety at Work Act 1974 to protect the health, safety and welfare of their employees and others affected by their operations.

In order to demonstrate this duty of care has been fulfilled, employers must be able to evidence that the actions taken to control the risks to health, safety and welfare are reasonably practicable, in other words the balance between the benefits of risk reduction on the one hand, outweigh the time, effort and cost of the control measures on the other. The risk assessment should clearly show that, on the balance of all considerations, the controls implemented reduce the risk as low as reasonably practical. This evidence, in the form of a suitable and sufficient risk assessment, is crucial in the defence of an insurance claim for personal injury or illness or intervention by the Health and Safety Executive (HSE) or other regulatory authority.

The financial consequences of COVID-19 are also far reaching, with forecasts suggesting the UK economy is heading towards a major recession. The pressure on a business, its directors, officers, shareholders and stakeholders to return to profitability, while maintaining health and safety compliance, could be burdensome and potentially rushed, or indeed not fully understood or implemented, signalling further problems for the business in forthcoming months and potentially years. It is essential therefore, that businesses have assessed the risks to the health, safety and welfare of their employees and others, arising through work during the COVID-19 pandemic.

### How can a business ensure that its risk assessment for working or returning to work during the COVID-19 pandemic is suitable and sufficient?

For a one-off fee of £450 plus VAT, Gallagher Risk Management Solutions' health and safety consultants will arrange a conference or video call to ascertain an understanding of your business and to establish context before undertaking an independent, professional review of your COVID-19 Risk Assessment against existing legislation, COVID-19 guidance and protocols. Where the document is considered suitable and sufficient it will be validated by the health and safety consultant. In the event that the Covid-19 risk assessment is not considered suitable or sufficient, the consultant will provide a brief, high level summary of the areas requiring improvement. Having a validated and successfully implemented Covid-19 risk assessment will enhance your mitigation and defensibility should a Covid-19 incident occur at your workplace.

It is acknowledged that not all businesses have the in-house competency, capability or expertise to utilise the supplied areas requiring improvement and further assistance may be required. For an additional nominal fee of £300 plus VAT, our health and safety consultant will advise, with specific detail, the areas requiring further consideration and offer suggestions to assist you with the document's further development.

Service	Description	Cost
Validation service	Audit & validation of your COVID-19 Risk Assessment against existing legislation, COVID-19 guidance & protocols.	£450 + VAT
Consultancy to achieve validation	Additional consultancy to develop your COVID-19 Risk Assessment into achieving validation.	£300 + VAT

This note is not intended to give legal or financial advice, and, accordingly, it should not be relied upon for such. It should not be regarded as a comprehensive statement of the law and/or market practice in this area. In preparing this note we have relied on information sourced from third parties and we make no claims as to the completeness or accuracy of the information contained herein. It reflects our understanding as 13 May 2020 but you will recognise that matters concerning COVID-19 are fast changing across the world. You should not act upon information in this bulletin nor determine not to act, without first seeking specific legal and/or specialist advice. Our advice to our clients is as an insurance broker and is provided subject to specific terms and conditions, the terms of which take precedence over any representations in this document. No third party to whom this is passed can rely on it. We and our officers, employees or agents shall not be responsible for any loss whatsoever arising from the recipient's reliance upon any information we provide herein and exclude liability for the content to fullest extent permitted by law. Should you require advice about your specific insurance arrangements or specific claim circumstances, please get in touch with your usual contact at Gallagher.

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