

## Health and safety

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This section covers some of the issues but should not be considered as 'advice'. No responsibility can be taken by the Forestry Commission or Small Woods Association for people or organisations not taking due care over the issue of Health and Safety.

### 7.1 What does Health and Safety mean in your organisation?

- Just using your common sense and being careful?
- A mass of incomprehensible regulation in a heavy file gathering dust on the shelf?
- A form to fill in - "Copy whatever we put on the last risk assessment. It's just to cover your back"?
- A token check - "If the bloke with the chainsaw says he's got a "ticket" that's OK"?

We would of course expect that most initiatives are doing more but it is very unlikely you are doing more than you ought to, so please read on to hopefully find something useful to add to your already exemplary H&S systems.

We are told that we live in a 'blame' and 'compensation' society." A major teachers' union has recently advised its members to stop organising school trips because of the consequences of anything untoward happening to a child in their

care. The forestry and arboriculture industry nearly lost its only remaining insurance company prepared to underwrite employers' liability, because the cost of claims far outweighed the already massive premiums.

Whatever the political response to calls for less regulation and less right to be compensated, we share the view that the most effective way to counter the trend is for an organisation to embrace a "root and branch" positive health and safety culture. This should reduce the frequency and severity of accidents and injury and ensure that everything reasonably practicable has been done to prevent those that still occur.

### 7.2 The disclaimer

You cannot avoid your obligations by writing a disclaimer that says something like "Persons entering/taking part do so entirely at their own risk". However, almost everyone, except perhaps young children, will have some personal responsibility for their H&S and for those around them. Also the awareness of some obvious dangers have been held in Court to be wholly the responsibility of the independent visiting member of the public, such as natural features of water, slope or cliff, or activities such as rock climbing. Nonetheless if you are leading an event where participants encounter such features you will have to take responsibility to safeguard your group.

" **Better Routes to Redress: dispelling the myth of today's compensation culture.** Report by the Better Regulation Task Force [www.brtf.gov.uk/reports/liticomensation.asp](http://www.brtf.gov.uk/reports/liticomensation.asp)

**Managing Visitor Safety in the Countryside** [www.vscg.co.uk/VSCGPublications.htm](http://www.vscg.co.uk/VSCGPublications.htm)

### 7.3 The Law

The primary legislation on H&S is found in the Health and Safety at Work Act 1974 supported by numerous detailed regulations about use of hazardous substances, reporting injuries, manual handling, lifting equipment, systems and procedures, welfare, noise, fire, personal protective equipment, work equipment and display screens to name a few.

All and more are likely to apply in some way to woodland initiative organisations. These will cover situations with woodland sites, one off outdoor events, volunteers, the public and passers by, even where the wording seems to have works premises in mind.

The Health and Safety Executive (HSE) is the Government agency that enforces these as well as explaining and facilitating their use. HSE can take criminal proceedings for a breach of these regulations.

- Any member of your organisation could be liable according to the amount of responsibility accepted and training given.
- Civil claims for damages may be brought where you are considered to have owed a duty of care to the claimant and it can be shown that you were in breach of that duty. Your insurer may accept the claim so long as the particular circumstances are covered by the policy.

HSE estimated that, on average across all sorts of organisations, uninsured losses resulting from accidents and injuries were ten times greater than the amount paid in insurance premiums despite the insurance policies responding to the liabilities that were covered. BTCV has estimated that 5% of running costs of a typical well run organisation in our sector is taken up in costs of accidents. Members of the Board of Directors / Governors / Trustees can have unlimited personal financial liability for losses incurred due to inadequate H&S

control, even if they are well meaning volunteers who are unaware of these responsibilities. Senior managers can also face jail if their negligence leads to a death.

If you are feeling a little uncomfortable at this point then proceed as follows.

### 7.4 Where are you?

- What exactly does your organisation do, where and when, with whom and with what?
- Break down your operation into its elements of activities, places, times, people and equipment.
- What H&S do you already do, who is already trained, which other organisation is doing the same sort of work and would share their experience with you.
- Expect to have to buy in consultants' time and staff training.
- Identify key staff to take the H&S development process through.
- Allow time and resources for this.
- If necessary ask your funding bodies to contribute to or to reschedule or reduce targets to make space for H&S development.

### 7.5 Your policy, systems and processes

- Write a Health and Safety policy that covers all that you do and what you want to achieve through it. It should indicate the systems and processes that everyone will be expected to adhere to in all situations.
- Allocate responsibilities and record and make them public. If all this is clear and open, then implementation will be easier as will monitoring. Put in place controls and checks to ensure that these are discharged.
- Organise training and assessment to bring staff to the required level of competence.
- Encourage co-operation and communication.
- Write it all down.

## 7.6 Risk Assessment

The cornerstone of the H&S operational process is risk assessment. All staff will need to demonstrate their ability to assess and control the risks that come from the hazards in their particular sphere, be it in the office, on site, travelling, working with machines or people.

At their simplest all risk assessments are much the same.<sup>Æ</sup> In practice they should be written, preferably using your own organisation's chosen and standardised forms.

First identify the hazards (something with the potential to cause harm) and their associated risks (the likelihood it will actually cause that harm and its likely severity). Then identify who is at risk and the control measures that are chosen to reduce the risk to an acceptable level. This system can be refined to suit particular organisations.

Developing a selection of generic risk assessments is useful where a wide range of activities are repeatedly undertaken but in different locations. The hazards, risks and control measures for the activity, which are likely to apply anywhere, are detailed on an assessment form. A site or event specific risk assessment is carried out for a new site area or particular event, with all that location's individual characteristics.

It is best to avoid too much brief blanket referencing such as "At this event generic RAs numbered 1 to 200 will apply if and when appropriate". It is essential to think through all the parts of the activity and how each hazard will arise and the control measure which will work in that place, at that time.

Other elements of the H&S process to record may include other assessments and arrangements to achieve company H&S policy objectives including:

- event responsibility and partner organisation/contractor joint working agreements,
- safety critical training, for example in chainsaws or other dangerous machinery/processes,
- lone working procedure,
- environmental impact assessment,
- control measure checklist with timeline,
- safety/emergencies plan,
- accident and near miss/near accident recording procedures.
- To comply with regulations e.g. COSHH, Manual Handling and maybe Physical Agents etc.

## 7.7 Monitoring and review

Periodically check your systems are working as intended and achieve the results that are required in your H&S policy. Use colleague observation as well as full H&S audit to do this.

Are those with H&S responsibilities really competent at H&S management? Consider refresher and further training.

Learn from your own mistakes and the mistakes of others by researching publicly reported H&S occurrences, both accidents and near accidents. When SWA reviewed its H&S recently, a web search turned up an article about the Stainforth Beck river walking tragedy.<sup>Ø</sup> SWA does not take people river walking, just walks in the woods, but there were direct parallels to be found in this case with the management of our type of event in woodland. Such a well explained case study probably illustrates potential weaknesses in event health and safety management in a more realistic way than diligent study of all the regulations.

Do not despair, good Health and Safety policies and risk assessments are not just completed to prevent being prosecuted. If staff are properly trained, they

<sup>Æ</sup> **Five Steps to Risk Assessment** HSE publication

<sup>Ø</sup> **Lessons Learned from Stainforth Beck** Marcus Bailie, Head of Inspection for the Adventure Activity Licensing Authority [www.outdoorlearning.org/news/stainforthbeck.htm](http://www.outdoorlearning.org/news/stainforthbeck.htm)

can take pride in carrying out quality risk assessments and Health and Safety planning as part of their usual work, which should mean that the event runs more smoothly. It should also mean that staff and your partner organisations have a clearer idea as to how responsibilities are apportioned.

## Further information

### Health & Safety Executive

*Infoline:* 08701 545500

**[www.hse.gov.uk](http://www.hse.gov.uk)**

and to order an HSE publication 01787 881165

### British Trust for Conservation Volunteers

Useful publications such as:

- Health & Safety overview for practical conservation projects
- Risk Assessment – a learning resource pack
- Generic Risk Assessments

**[www.btcv.org](http://www.btcv.org)**

*Tel:* 01491 821600 for H&S training.