Health and safety on community growing sites

This factsheet aims to provide an overview of steps you can take to ensure your project is as safe as possible for all who use it. It contains the following sections:

- All about Risk Assessments
- Advice on activities requiring special management
- Resources - contains details of all organisations and publications mentioned in this factsheet.

It should be read in conjunction with the following two documents:

- Site hazards checklist
- Sample risk assessment form
- Risk assessment forms - alternative options for visits to farms/gardens.

Under civil law anyone involved in community growing has a common duty of care to ensure that their site is run in as safe and appropriate manner as possible, as set out in the Occupiers’ Liability Act, 1957 (as amended in 2005 to take account of the Countryside and Rights of Way Act).

This duty of care is extended towards all people accessing the site and its boundaries, including staff, volunteers, members of the public, bona fide visitors and intruders. There are also environmental and animal husbandry laws to be observed.

Carrying out risk assessments is straightforward. Health and safety only becomes unmanageable when responsibilities are neglected.

Everyone needs to take health and safety seriously but it is also important not to become "litigation paranoid". All activities carry an element of risk and gardening/farming is no exception.

Please note: the contents of this guide do not provide specific legal advice and it is beyond the scope of this guide to give advice about individual gardening activities.

Never assume what your responsibilities are. If in doubt seek legal advice. Some solicitors work on a pro bono (free) basis.
All about risk assessments

Risk assessments are a simple framework allowing you to identify risks, assess their relative severity and develop a strategy for dealing with them. In the rare case of legal action by an injured party, a written record of risk assessment and account of action taken to reduce risks could be significant.

Who is responsible for carrying out risk assessments?

Appointing a professional risk assessment consultant is outside the scope of most projects’ budgets. The organisation with direct management responsibilities for a community growing site is suitably placed to carry out a risk assessment.

What’s the difference between a hazard and a risk?

Terminology can seem daunting but, thankfully, risk assessment is not rocket science. Knowing the difference between a hazard and a risk is helpful before you start.

A hazard is something with the potential to cause harm. That potential is always there, e.g. a bonfire will always have the potential to spread and cause damage, and sparks from the fire could burn people or animals.

A risk is the likelihood that the harm a particular hazard can cause will happen, e.g. a bonfire will always be hazardous, but as long as it is lit away from property, only appropriate materials are burnt, there is a means of extinguishing it nearby and people and animals are kept at a distance, the actual risk from the hazard remains low. Risk will increase if these precautions are ignored.

Removing risk

The key to risk assessment is to remove the risk completely or to reduce the risk to an acceptable level. Reduction levels are defined by the grading system in the risk assessment. With a small budget, risk reduction is usually more achievable than completely removing the risks.

How often should a risk assessment be carried out?

Risk assessments should be carried out at least twice per year and whenever circumstances change significantly, e.g. changes to site layout, new type of animal introduced or a new group of clients. Ground hazards, e.g. broken glass may be hidden by summer weed and grass growth, so carry out one of the risk assessments in winter.

Who carries out the risk assessment?

People often have different perceptions of risk, so at least two (ideally more) people should take part. These people should feel confident and able to tackle a risk assessment without panicking. Try to involve an experienced outside person too, e.g. a committee member. A fresh pair of eyes could pick up on risks overlooked by people familiar with the site.

After studying the contents of this guide and doing a trial run, you will hopefully feel a lot more confident about risk assessment. If not, try reading up on the subject or ask for advice from someone with experience of risk assessments. If that doesn’t help, see the Training Suggestions (below).

Training suggestions

• Your regional branch of the conservation charity Trust for Conservation Volunteers (TCV) may be able to arrange training. Explain your training needs clearly, as their standard training courses are specific to conservation project work.

• Your local Council for Voluntary Services (CVS) may be able to suggest other training providers or arrange suitable training. Make sure that courses are specific to outdoor working, rather than workplace or office-based health and safety.

Other training courses may cost up to £150 per participant or around £500 total cost for a bespoke course. Consider sharing the cost by publicising the course to other local projects who may wish to attend.

Your council may be able to help with funding: ask your health and safety/environmental health officer, or training/community development officer if your council has one. They may also provide advice on training providers or, if demand is sufficient, organise a course in-house.

Carrying out a risk assessment

Risk assessment cannot be carried out from memory: it must be done afresh on site – use the forms in this pack. All assessors should wear stout footwear: hard hats should be worn if surveying structures.

Cover the whole site in a systematic way

Walk around the external boundary, enter through the front gate and work your way around the internal boundary and all accessible areas. As you go, tick off the items on the Site Hazards Checklist.
Record your findings on the risk assessment form

Calculate the degree of risk and record the recommended remedial action required to remove or minimise the risk. Do not trust the findings to memory or leave notetaking to one person. Make enough clear notes to be able to report back to your management committee.

Concentrate on the significant

Some risks are more significant than others: a bonfire left unattended to ‘burn out’ at the end of the day is a more significant risk than sharp tools securely stored. Learn to recognise the difference between significant and minor risks, and allocate time to addressing these accordingly.

Consider children and vulnerable people

Be aware that some people have little or no perception of risk at all, particularly children and vulnerable adults (e.g. people with learning difficulties). When looking for risks, consider whether a child or vulnerable adult would be at greater risk from a hazard than someone with full perception of risk. Do not panic: educating children about risks in a controlled environment is more useful than trying to remove all risks. They become risk aware and respond appropriately to risks when encountering them later on.

Who takes remedial action?

Determine who is responsible for carrying out remedial action for each identified risk.

Boundary hazards might be a joint responsibility between your project and the owner of your site or a neighbouring landowner. If remedial action is the responsibility of any person or organisation other than your organisation, send written notification immediately. Disagreements may arise about how a risk should be minimised – try to negotiate with (not against) the other party.

Prioritise

Prioritise risks that are your organisation’s responsibility to manage. Give immediate priority to ‘very high’ and ‘high’ risks and deal with these first, i.e. those that have scored 80 - 100 using the risk calculation guidance included in the Risk Assessment Form referred to on page 1. Take care not to overprioritise, otherwise some things will always be at the bottom of the list and never get remedied.

Review and update

Set a timescale for regular reviews and updates. Ask for regular progress reports from whoever has the responsibility of dealing with a hazard so that you can keep track of developments. This is especially important for keeping track of action required by external organisations.

Safety signs

Some risks may be reduced to a safe level by providing informative safety notices, e.g. “Slippery path, proceed with care” or “Pond: please supervise children at all times”. Remember children or some vulnerable adults may not understand signs.

Disclaimers

Disclaimer signs and notices such as “Enter at own risk” or “This community garden/farm accepts no liability for damages” should never be used. Disclaimers do not remove your duty of care and are not legally binding.

Structures

Badly built or damaged structures are dangerous and can be attractive to children playing on the site, e.g. making dens. Greenhouses with damaged frames could collapse on someone; sheds may contain old chemicals and sharp tools; children could become trapped inside. Corrugated iron often develops lethal sharp edges.

Ensure greenhouses are kept in good repair and structurally safe. Dispose of hazards regularly and safely. Do not attempt to dismantle larger structures without seeking advice from the local authority. You may be able to negotiate for the council to dismantle it or may need to hire a demolition company.
Two-way communication
A system for volunteers or staff to report day-to-day hazards and incidents is also required, e.g. a list of contacts on your site notice board or a suggestions box regularly emptied.

Stop-gaps
If there is an unavoidable delay in removing a serious hazard, cordon off the area concerned using hazard tape and safety notices, e.g. “This building is unsafe – risk of falling glass.”

Insurance
Why take out insurance?
Adequate insurance is required for all activities carried out on site and in the managing organisation’s name. Without adequate insurance the project or its individual staff or committee members could be found to be financially liable for claims made.

Insurance is part of, not a substitute for, health and safety management. Insurance should never be used as an excuse to neglect the organisation’s duties.

Insurance should be taken out in the name of the organisation. If your organisation is not a company, check with the insurer as to who should sign the contract and what to do if that person leaves the organisation. Queries or uncertainties about cover already purchased should be directed to the insurer. Insurers should notify policyholders of major changes to policies. Check that you still have adequate insurance for all of your activities if the policy changes or is renewed.

Public Liability Insurance
Public liability insurance covers claims made against the policyholder for injury, loss or damage caused to any person as a result of the organisation’s negligence. It is the responsibility of the policyholder to ensure they have sufficient cover. The amount covered will be specified in the policy and will differ depending on the insurer and the policy, or demanded by the site owner.

Public liability insurance may not be sufficient for all activities on site or there may be exemptions depending on the policy and insurer. Contact the insurer to check a specific activity is included in the policy – ask for a written reply. If an activity is not covered by an insurance policy then additional insurance should be purchased.

Check with the insurer that both instances are included in the current policy(s) (Public and/or Employers Liability) held and specifically referring to volunteers as not all policies recognise volunteers as employees. Arrange additional cover if necessary.

Employers’ duty of care
Employers have an additional duty of care to their employees (Health and Safety at Work Act 1974).

Organisations employing people in their own right are:
• legally bound by the Management of Health and Safety at Work Regulations (1999) to carry out a formal risk assessment - contact the Health and Safety Executive (HSE) for advice
• legally obliged to purchase compulsory employers’ liability insurance.

Renting out or sub-letting
If part of your site is rented to another group, insurance must be arranged and purchased to cover all activities on the site. You should ask the organisation renting the plot from your project for a copy of their insurance policy.

For any part of your site used by other groups but managed directly by your project, responsibility for purchasing insurance remains with your organisation. Check that activities are fully covered by insurance policies already held or arrange new appropriate cover.

Buildings, structures and contents
Adequate structural insurance should be considered for buildings/structures owned by your organisation. Contents insurance should be considered
Activities requiring special management

The activities outlined below require additional risk assessments and additional legal regulations may apply. Check with your insurance company whether these activities are covered under the policy(s) held.

In particular, on site shops and buildings carry obligations related to personal safety, fire prevention and storage and hazardous chemicals.

Fire prevention

Farming and gardening sundries can become a lethal cocktail in a fire, e.g. a mixture of fuel, pesticides, animal bedding and fertilisers. Site buildings are a popular target for arson attacks. Make your local fire service aware of the items that are stored on your site and get site-specific advice from them regarding fire extinguishers, legal requirements and fire prevention. Draw up an emergency action plan. A list of emergency contact numbers should be clearly displayed so that it is visible to any emergency services called to the site.

Fuel storage

Regulations will depend on where you are located in the UK. Contact the Environment Agency, or equivalent agency outside England, for further information. Spillages should be cleaned up immediately. Wear disposable gloves and use sand, cat litter or a proprietary oil absorbent. Contact your local council for disposal details. Spilt oil should never be hosed down or poured into water courses or drains.

Tools and toolbanks

Sharing tools is a good way of cutting costs. Organisers of a tool bank have a duty of care to people loaning, borrowing and using tools. Most power tools need specific safety and handling training, e.g. power chainsaws, wood chippers, strimmers with metal blades and tractors and should not be loaned to anyone without evidence of appropriate/training/licence. Local colleges may offer short and accredited training courses, or ask the supplier for advice. Do not purchase tools before you have addressed training needs. The person authorised to loan tools also needs to have sufficient training.

Schedule a regular inspection of all hand and power tools and withdraw any that are blunt (blunt tools are dangerous), have loose handles or are faulty, until they have been repaired.

Tools should be stored in a locked, secure container. Only authorised persons should be keyholders of tool stores and a full inventory/record-keeping system should be in place. Some equipment may have additional storage regulations, e.g. fuelpowered tools may need to be caged inside a separate secure container that does not contain any other flammable materials. TCV produce a useful book called ‘Toolcare’.

Hazardous substances

Pesticides include weedkillers, rat poisons, fungicides and soil sterilants. If you use them on site you have a duty of care to store, use and dispose of them properly.

The general regulation covering all hazardous substances is COSHH (Control of Substances Hazardous to Health) 2002. See www.hse.gov.uk/coshh/basics

Under the Control of Pesticides Regulations (amended) (COPRA) (1997) anyone who sells, supplies, stores or uses a pesticide must take all reasonable precautions to protect the health of humans, creatures and plants, safeguard the environment and avoid the pollution of water.

Pesticides must be sold, supplied and marketed to end-users in the container supplied by the approved license holder and labeled in a manner consistent with the approved license. Pesticides should never be decanted into any other type of container.

Pesticides should be stored well out of the reach of children and locked away.

The EC Fertilisers Regulations (2006) regulate the composition, labelling and packaging of fertilisers. Do not store fertilisers within 10 metres of a watercourse or field drain to avoid nitrate leaching: follow the codes of practice provided by the Agricultural Industries Federation.

Contact the Chemicals Regulation Directorate for further information about regulations governing pesticides.

Disposal of pesticides and fertilisers

Contact your council waste management department for information on safe disposal of pesticides and fertilisers.

Pesticides should never be included in household rubbish,
burnt, placed in skips or poured into any kind of drainage system or watercourse.

Pesticide Action Network UK (PAN UK) is keen to work to reduce pesticide use. Their website gives gardening tips with updates on legislative changes, research and initiatives to reduce pesticide use. The website also has a database of local council facilities for the disposal of old bottles in sheds and discontinued pesticides.

Garden Organic provide advice and publications on methods of pest control that do not require pesticides and gardening methods that reduce pest attack.

Ponds and water

Ponds that are planned and maintained properly pose a tiny risk, far outweighed by the numerous benefits to wildlife and enjoyment to people of all ages.

Contact your local Wildlife Trust, Amphibian and Reptile Conservation and Pond Conservation about construction and maintenance of wildlife ponds.

Risks from ponds to children

The people most at risk of drowning in ponds are children under three years of age. Risk from drowning decreases as a child’s age and understanding of danger increase. Children should of course be supervised at all times and especially near water.

Pond decisions

Decisions about ponds lie with the organisation managing the site, although the landowner could have the final say.

Decisions about ponds should be made, taking into account the site’s physical layout, level of open access and users. Building a pond on a site with a public right of way raises different issues to one with secure fencing.

Size and shape

A child is less likely to drown in a pond or water feature that has gradual sloping sides compared to a small one with steep sides. Sloping sides also prevent drowning of mammals that come to drink water.

Aim to make ponds shallow and seasonal; 30-50cm at the deepest point is sufficient for biodiversity. Ponds should be allowed to dry out in the shallow margins in summer. Margins will be more visible to children and biodiversity is greatest in warm shallows. In winter use a float to prevent icing-over, otherwise children may be tempted to walk on ice and pond-life will be starved of oxygen.

Large ponds should ideally allow for a shallow margin of at least 3m with a gentle and gradual gradient of no greater than 1:3. If the water level is likely to rise after rain or flooding then the shallow margin may need to be made greater than 3m wide. Depending on the constraints of the site and the affects upon biodiversity, consider re-grading existing large ponds to these specifications.

Planting

Naturally occurring ponds usually have a soft muddy edge with reeds, scrub or other vegetation established on the bank and in shallow water at the edge. This can reduce the possibility of children (and dogs) accidentally running into the pond, so it is good practice to encourage this in the shallow area.

Some kinds of blanketing vegetation can look like solid ground. For safety and conservation remove carpets of duckweed and water fern (Azolla). Manage grasses, e.g. Flote Grass (Glyceria) and leave a frill around the edge but not masking the water. Allow a belt of tall reedy vegetation to grow up around the pond.

Alternative water features

Where smaller ponds or containers are to be used, sloping sides should be incorporated into the design and vegetation should not be allowed to grow over and conceal the pond.

Security

Low fencing should not be necessary around a pond or water feature unless there is a drop from a well-used edge into deep water. Low fencing
around a pond draws attention to the hazard but might not necessarily prevent access to the pond - it is only a partial solution and can lead to a false sense of security. Fencing can provide an additional ‘temptation’ to natural childhood inquisitiveness and a low fence can easily be climbed over or through. If fences must be installed they must be very regularly checked and maintained.

Warning signs are rarely needed for most ponds - the people most at risk have not yet learnt to read and should be supervised around water. However, if the water is deep at the edge of the pond (e.g. more than 1.5m) it can cause risk to people of all ages – erect a “Danger – Deep water” sign. Ponds too deep for an adult to perform a wading rescue need a reach pole or throw line or consider filling the pond to a safer depth. Signs on the approach to a pond can warn people with children to supervise them more closely.

A grid above the surface of a pond can also engender a false sense of security and requires regular checking. After rainfall the water level could rise high enough above the grid to present a drowning hazard for young children. If the grid is damaged a child may get trapped in it or crawl underneath. ROSPA provide useful advice.

Keep containers free of debris and covered where possible: do not use rotten doors, sheeting or any other flimsy materials that children could fall through. Discard stagnant water as it poses a health risk and is not beneficial to plants.

Livestock

If you keep livestock on your site, you should consider plans for emergencies, e.g. fire, flood or the need for emergency slaughter. Staff and volunteers keeping livestock must be responsible and knowledgeable.

Owners require suitable insurance in case their animal strays and causes damage or injury. Owners are legally required to have formal identification for some animals, such as an ‘equine passport’: contact your local veterinary surgery. Regulations or restrictions issued by DEFRA, and equivalent departments in Northern Ireland and Scotland must be adhered to.

You should clearly display full contact details with 24-hour contact numbers in case of emergencies.

The agricultural sector produced a Code of Practice in 2012 to help prevent zoonoses (diseases passed from animals to humans), containing both good practice and requirements for owners making livestock accessible to invited visitors.

Wildlife

Community growing projects can be a crucial haven for wildlife and many species are beneficial to gardeners: thrushes and amphibians eat slugs (but can be killed by slug pellets); certain flowers attract insects that prey on pests. Garden Organic and PAN provide advice on gardening methods beneficial to wildlife.

‘Manicured’ (over-tidy) sites are not beneficial to wildlife. Wildlife areas do not have to be overgrown or unkempt. RSPB and the Wildlife Trusts provide free booklets on creating wildlife gardens: RSPB’s website has a detailed guide to encouraging wildlife in gardens.

Hazards for wildlife include: litter, low-level fruit netting, use of pesticides (especially when incorrect or inappropriate), open drains, slug pellets, mowing, strimming, broken glass and prestacked bonfires. Project managers should ensure day-to-day activities on site cause the least possible risk to wild species of birds, animals and aquatic creatures.

Certain wildlife, e.g. badgers, some birds of prey and reptiles, have specific legal protection concerning their management - contact Natural England for advice about protected species.

RSPCA produce a free ‘Lethal Litter’ information card.

Vermin

Vermin infestation is a serious threat to public health; rats carry 70 diseases, including Weil’s Disease (leptospirosis), which can cause human death via
contaminated water. Practices that encourage infestation by vermin should be avoided and incidents dealt with immediately.

Signs of infestation include burrows, tracks, droppings and observing the vermin. Only proprietary vermin control products should be used. Pesticides should never be used to control vermin. Contact the local council’s Pest Control Officer for advice and to report problems.

**Risk of infection**

Humans are at risk of infection from handling animal manure. Always wear gloves when handling any type of manure. Remind staff and volunteers of basic hygiene and to check tetanus boosters are up to date (boosters are required every ten years). The HSE’s Code of Practice should be followed, particularly on any projects where animals are kept and visitors come on site (see Resources).

FCFCG has a ‘Clean Hands Zone Toolkits’ available to download from its website including advice on signage and sample signs.

**Contaminated land**

The true extent of land contamination is unknown. If you have concerns about land contamination read “Growing food – how safe is your land?” (see Resources).

**Bonfires**

There is no law preventing bonfires. ‘Smokeless zones’ refer to domestic chimneys only. The Environmental Protection Act (1990), however, prohibits a statutory nuisance being caused by smoke. Local byelaws and voluntary agreements may also be in force. Risk and nuisance from bonfires can be reduced by simple policies, such as only allowing bonfires at certain times.

Your insurance policy may have specific rules about the location, materials burnt and extinguishing of bonfires.

**Events**

Open days, BBQs and plant sales can raise funds, build local support and attract new volunteers. Event organisers have a duty of care to everyone attending and working at events. Hold a specific risk assessment in advance of the event, considering these issues:

- Whether access to any part of the site or other hazards should be restricted and monitored during the event.
- Seek advice about fire prevention, especially where generators, BBQs, cooking/heating hobs are being used. Arrange appropriate fire extinguishers. A fire emergency procedures notice should be clearly displayed at the entrance to the event.
- Have a volunteer (qualified) First Aider available, or St John’s Ambulance, for a large event.
- Ensure hygiene provisions are adequate for the type of event, especially toilets/hand washing/drinking water/sale of food. Consult the council environmental health department.
- Check with your insurer that the type of event, activities (including sales), guests and staff are covered on your current public liability insurance policy. Take out additional insurance cover if necessary. Make sure all documents are up to date.
- Notify the local authority of the date, time and type of event well in advance and before it is advertised.
- Notify the police and traffic wardens of the date, time
and type of event; access may become busier and there may be increased parking around the site.

Resources

Industry Code of Practice
Developed by the Access to Farms Partnership with support from HSE, the code of practice on ‘Preventing or Controlling Ill Health from Animal Contact at Visitor Attractions’ provides sensible, practical and proportionate guidance to help you comply with the law and keep visitors safe.

www.face-online.org.uk/CodeofPractice

Environment Agency
Details of your local office from:
Tel. 08708 506 506
www.environment-agency.gov.uk

Health and Safety Executive
Info-line 0845 345 0055
www.hse.gov.uk

The HSE website provides practical advice and guidance on:
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
  www.hse.gov.uk/coshh
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) which puts duties on employers, the self-employed and people in control of work premises to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences.
  www.hse.gov.uk/riddor

Department for Environment Food and Rural Affairs (DEFRA)
Tel. 0845 933 5577
helpline@defra.gsi.gov.uk
www.defra.gov.uk

Pond Conservation
Tel. 01865 483 249
info@pondconservation.org.uk
www.pondconservation.org.uk

RSPB
Tel. 01767 680 551
www.rspb.org.uk

Natural England
Tel. 0173 345 5101
www.naturalengland.org.uk

Councils for Voluntary Service
England: NAVCA
Tel. 0114 278 6636
www.navca.org.uk
Wales: WCVA
Tel. 029 2043 1700
www.wcva.org.uk
Northern Ireland: NICVA
Tel. 028 9087 7777
www.nicva.org
Scotland: SCVO
Tel. 0131 556 3882
www.scvo.org.uk

Useful sources of advice on H&S aspects of particular activities

On site vehicle access
Access by the public, emergency services etc.
www.hse.gov.uk/event-safety/transport
www.hse.gov.uk/workplacetransport

Tractor and trailer rides

Parking
Signs, access for deliveries, turning areas, special needs parking, Highways approvals etc.
www.hse.gov.uk/workplacetransport/parking.htm

Play areas
Where are you siting your play area? Is the area clearly visible to discourage vandalism, bullying or unwanted visitors? Are you going to have age specific areas and equipment?
Inflatables
If you are buying an inflatable for use commercially or hiring one do you know if it has been manufactured to British Standard BS EN 14960 ‘Inflatable play equipment – safety requirements and test methods’, and you know how to erect and manage its use?

www.hse.gov.uk/entertainment/fairgrounds/faqs.htm#inflatables1
www.pipa.org.uk

Trampolines
Is the area around your trampoline clear of objects including play equipment, fences and trees, and a minimal fall distance?


Practical observation & conservation
Are you offering pond dipping?

www.rospa.com/leisuresafety/adviceandinformation/watersafety
www.face-online.org.uk/resources/CEVAS/Water%20Safety.pdf

First Aid
Do I need to provide first aid for visitors to my garden/farm? What first aid provision should I make if I have employees?

The Health and Safety (First-Aid) Regulations 1981 do not require employers to provide first aid for members of the public.
HSE strongly recommends that employers include the public in their first-aid needs assessment and make provision for them.

Basic advice on first aid at work: www.hse.gov.uk/pubns/indg347.pdf

First Aid at work – your questions answered: www.hse.gov.uk/pubns/indg214.pdf

Growing Food – how safe is your land?
Guidance booklet.
Available from FCFCG.

www.farmgarden.org.uk/publications/135-contaminated-land-guidelines

Toolcare
ISBN: 0946-7522-49
Available from Trust for Conservation Volunteers (BTCV).
Tel. 01302 388 883
www.tcv.org

List of poisonous plants and levels of toxicity
www.powen.freeserve.co.uk/Reference/Poisonous/poison%20index.htm