

# Health & Safety Update | January 2018

*Welcome to Strutt & Parker's Farm Research Group Health & Safety Update*

The quarterly Health & Safety Update is to assist you in ensuring that you are thinking about topical health and safety matters on your farm and/or estate. Health and safety is a vital part of any business operation. It is worth noting that 85% of deaths in agriculture in 2016/17 were people aged over 45 and the over 60s accounted for 50% of the total deaths.

The quieter winter months are a good time to review policies and procedures that you have in place, or you need to implement as part of good practice and/or a review. It is an opportunity to service and repair equipment that has worked hard, and to get jobs done that have been put on the 'to-do list' during the busier times of the year.

For further assistance or information on the issues discussed below, please call your nearest Strutt & Parker office.

## Unmanned Aerial Vehicles (UAV) or Drones

Unmanned Aerial Vehicles (UAV) or Drones are becoming increasingly common sights on farms and estates, whether for monitoring crops, filming farming operations or inspections of properties that would otherwise entail scaffolding, ladders or a Mobile Elevated Work Platform (MEWP).

As operations undertaken on farms and estates are for commercial gain, it is essential that the pilot has had the appropriate training and holds the correct certification. They also require permission to fly which is obtained from the Civil Aviation Authority (CAA). The CAA polices the regulations that relate to UAV use as part of the Air Navigation Order 2016, and issues permits to fly.

Training courses for pilots are available through a number of National Qualified Entities that run courses on behalf of the CAA. Prices vary depending on UAV weight but range between £175 and £1,250. Courses will assess a pilot's competence in flying small UAVs, test their understanding of aviation theory, and require potential pilots to write an operations manual and pass a practical flight assessment.

The CAA website sets out the requirements for flying an UAV commercially. The governing regulations require that:

- UAVs are kept within 500m of the pilot (line of sight);
- A method of collision avoidance needs to be available;
- UAVs must be kept below 120m to reduce conflict with manned aircraft;
- Pilots must comply with both the Civil Aviation Act and Health and Safety at Work Act.



## Ladders

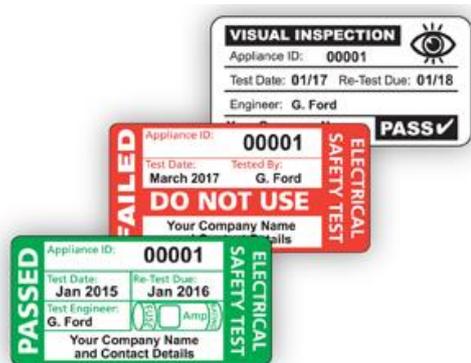
As of 1 January 2018, the classification of ladders is changing from a rather confusing three category system to a clearer two category system. Ladders will be categorised as follows:

- EN 131 Non-Professional (domestic): 150 kg rating;
- EN 131 Professional (business): 150 kg rating).

Where new ladders are being purchased, you should ensure that the appropriate ladder is purchased. Existing ladders do not need to be replaced on the back of the change but do need to be regularly inspected to ensure that they are in good condition and suitable for the intended task; where they fall below the minimum standard they should be replaced with a new ladder. The HSE publication 'Safe use of ladders and stepladders' remains a useful guide <http://www.hse.gov.uk/pubns/indg455.pdf>.

## Portable Appliance Testing (PAT)

The Electricity at Work Regulations 1989 require that any electrical equipment that has the potential to cause injury is maintained in a safe condition. However, the Regulations do not specify what needs to be done, by whom or how frequently (i.e. they don't make inspection or testing of electrical appliances a legal requirement, nor do they make it a legal requirement to undertake this annually). A risk-based approach, considering the type of equipment and what it is being used for is required.



If it is used regularly and moved a lot, e.g. a kettle, testing (along with visual checks) can be an important part of an effective maintenance regime, giving employers confidence that they are doing what is necessary to help them meet their legal duties. The need to test high risk items such as grinders and welders on a regular basis is important as it shows a duty of care to your employees. Low risk items such as computers in the office need not be tested by a qualified electrician but should be inspected by a competent person periodically.

Any electrical equipment should still be regularly checked for frayed or damaged cables and where a potential risk is identified appropriate action should be taken, i.e. repair or replacement. In any case the defective item should not be used until it has been repaired.

## Trespass and Your Responsibilities

Employers are familiar with the idea that their risk assessments and controls must take account of contractors, visitors, members of the public and passers-by – as well as their own staff who are on sites operated by them. However, what is frequently less clear is what duty of care, if any, is owed to people who enter their sites without invitation or permission; those who are themselves breaking the law.

As part of a risk control strategy, it may be necessary to introduce measures to protect the premises and people within them from such intruders. Deterrents, including high walls, thorny hedges, and anti-climb paint, are of course potential causes of injury to unwanted guests.

Those who want to give intruders an "inconvenient time" may well find themselves liable for any subsequent injuries. Occupiers have a duty, under the Occupiers' Liability Act 1957, to take reasonable care for the safety of visitors using their premises for the purpose they were invited. The Occupiers' Liability Act 1984 extended this duty to impose some responsibility on occupiers to protect uninvited visitors, including trespassers. The duty of care under the 1984 Act takes effect if:

- You know (or have reasonable grounds to believe) there is a danger;
- You know (or have reason to believe) that people may be in, or come into, the vicinity of the danger; and
- The risk is one against which you may reasonably be expected to offer some protection.



Where the above criteria apply, occupiers have a duty to take reasonable care that people don't suffer injury. It may be possible to discharge this duty of care by warning people about a danger, or by discouraging them from coming into contact with it. Beyond occupiers' liability legislation, Section 4 of the Health and Safety at Work Act requires owners, occupiers and others (including employers) to take reasonable steps to ensure their premises are safe, including means of access and egress, and plant and substances inside.

You have a duty to safeguard the safety of trespassers; the key thing is to do some form of risk assessment in relation to the safety and security of your premises, including any derelict or disused sites. Risk assessments should involve examining the premises to determine not just what new measures you may need – alarms, CCTV, lighting, fences, or even security personnel – but also to identify historical features, such as walls covered with jagged glass, which may need to be altered. These features would not be justifiable under current legislation, but if they have been there for more than 50 years, it may be reasonable to leave them in place. Your assessment should consider not only the site's layout, its location and points of access, but also who might stray onto it; for example, can children from a nearby school gain access?

When it comes to introducing new deterrents, the essential thing is keeping people out, rather than creating traps. You need to ensure any measure you put in place is a means of preventing access, rather than penalising access or deliberately harming trespassers. Occupiers have a further responsibility not to disregard existing dangers they have previously identified; for example, you can't ignore an open pit on your site. If you have foreseen a danger and done something to control the risk, take care to inspect the control regularly to make sure it's still working.

## Lifting Operations and Lifting Equipment

Lifting operations should always be carried out by a competent person. Where large loads are involved they must be planned and supervised to ensure that they are carried out according to the lifting plan.

Lifting equipment, including cranes, hoists, forklifts, slings, chains and shackles etc., are all covered by the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). All equipment used for lifting, lowering, anchoring or fixing are included, equipment must be;

- Strong and stable enough for the particular use and marked to indicate safe working loads;
- Positioned and installed to minimise any risks;
- Used safely, i.e. the work is planned, organised and performed by competent people;
- Subject to ongoing thorough examination and, where appropriate, inspection by competent people.



If you allow employees to provide their own lifting equipment, then this is also covered by the Regulations and must be inspected as if it were your own. All lifting equipment should be checked prior to use for any obvious wearing, cracks or other defects and at least annually by a competent authorised person. Equipment that is used to lift personnel, e.g. man cages and harnesses, should be checked prior to use, and at least once every six months by a competent authorised person. Inspection of machines and equipment falls within your responsibility under your insurance and can often be arranged through your insurer.

Lifting fertiliser and seed bags should be done with great care. Always inspect the loops of bags before lifting them and lift with horizontal forks to prevent the bags slipping and being abraded on any sharp edges on the forks which might cause the hoops to rip or tear. Bags should always be carried at a height that prevents them from scraping on the ground but not so high as to unbalance the vehicle moving them, potentially causing the vehicle to overturn.

## Hand-arm Vibration

Vibration is frequently overlooked within the agricultural industry but has the ability to cause adverse effects ranging from annoyance and discomfort, through to ill health effects such as headaches, nausea and abdominal pain. Vibration is the movement of the body back and forth around a fixed point. Hand-arm vibration is vibration transmitted into workers' hands and arms. This can come from use of hand-held power tools such as grinders and strimmers, hand guided equipment such as powered lawnmowers or by holding materials being worked by hand-fed machines such as saws.



Exposure to vibration may result in a range of health effects, collectively known Hand-Arm Vibration (HAVS). Prolonged and repeated exposure to HAVS can lead to a condition known as vibration white finger (VWF). The first signs of VWF are usually temporary numbness and tingling of the fingers which often pass unnoticed. Symptoms resulting from damage to either the vascular or the neurological systems in the hands include:

- Acute: tingling or pins and needles in the hands and extremities;
- Chronic: numbness and blanching of the fingers, swollen painful joints, reduction in manual dexterity, reduction in the sensation of touch, ulceration and gangrene in extreme cases.

If any of these symptoms are identified, the individual's GP should be consulted in the first instance, and reduced exposure to the vibration will be essential. It is important to look for ways of working that avoid or reduce the need to hold vibrating equipment or work-pieces;

- Consider vibration emissions when purchasing or hiring equipment;
- Check the vibration of available equipment in technical sales literature or the handbook. Avoid types with high vibration when there are suitable lower vibration alternatives;
- Keep an inventory of equipment and its vibration emission;
- Maintain equipment in accordance with its manufacturer's instructions;
- Plan work schedules to minimise vibration exposures and make sure exposures are below the ELV;
- Organise work to avoid uncomfortable postures and the need for high manual effort to grip, push or pull equipment;
- Help employees maintain good blood circulation, for example, by providing clothing to help them keep warm and dry.

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