

Fact Sheet

Health and safety on allotments: all about risk assessments

Contact details for all organisations referred to in this factsheet are listed on the *Resources* sheet

Risk assessments are a simple framework allowing you to identify risks, assess their relative severity and develop a strategy for dealing with them.

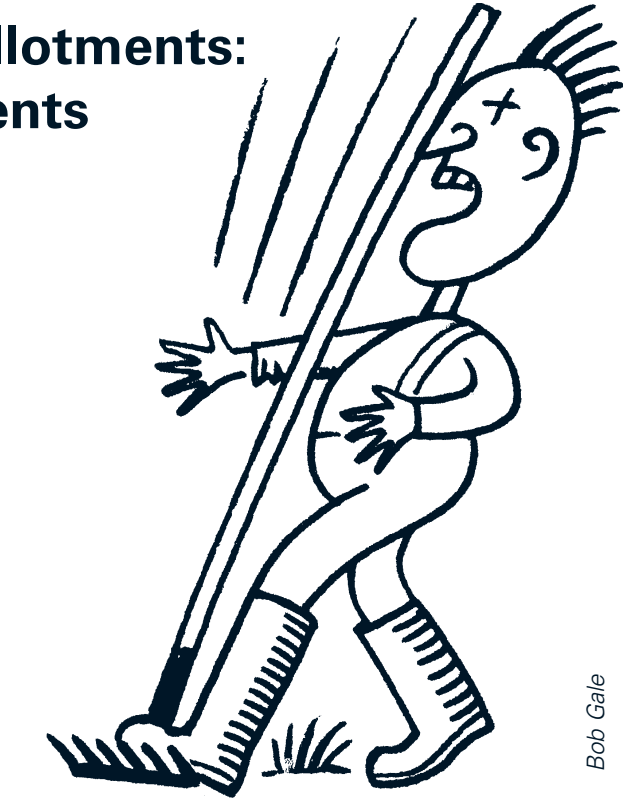
In the rare case of legal action by an injured party, a written record of risk assessment and account of action taken to reduce risks could be significant.

Who is responsible for carrying out risk assessments?

Appointing a professional risk assessment consultant is outside the scope of most allotment managers' budgets. The organisation with direct management responsibilities for an allotment site is best placed to carry out a risk assessment.

Sites with no formal written management agreement with their allotment authority

Responsibility for management duties (including risk assessment) usually lies with the allotment authority. The allotment authority should ensure individual plotheolders are aware of their own duty of care as part of their tenancy agreement and the system for reporting health and safety matters. Any reporting system, however minimal, should be recorded in detail in writing, to prevent inaccurate expectations from either party.



Bob Gale

Associations that have signed a written devolved management agreement with the allotment authority

Management duties (including risk assessment) carried out by the association will depend on the specifications of the agreement. A local authority, however, has a statutory obligation to provide allotments and therefore still has a shared duty of care with the association. The local authority should ensure that the association (as its 'agent') is undertaking its devolved management duties in a responsible, fair and reasonable way.

An association unsure of its responsibilities should check the agreement and take legal advice if further clarification is needed. Don't assume that the other party is responsible for doing something – always check. Associations may try to negotiate where the



responsibility for risk assessment lies. Make sure outcomes are in writing. See ARI factsheet *Gardeners in Charge* for advice on devolved management.

In the rare case of legal action by an injured party, the association or its individual officers could have a claim made against them personally for damages, or face charges brought against them, when management has been negligent, under criminal or environmental law. Thankfully, legal action is extremely rare but the importance of adequate insurance and health and safety management cannot be over-emphasised.

NB: An 'allotment authority' is usually the local authority, local or parish council, but could also be a charitable trust or a commercial landowner.

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.

Carrying a fork this way could, unfortunately, end in tears



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 one, or more, bonfires are lit regularly or 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 allotment 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. Ground hazards, e.g. broken glass on derelict plots, may be hidden by summer weed and grass growth, so carry out one of the risk assessments in winter.

Plot inspections: check that plottolders are complying with their tenancy agreement and that vacant plots are fit to be leased. It may save time to carry these out at the same time as one of the risk assessments.

Holding one of the risk assessments before the Annual General Meeting can be a useful way of obtaining a prompt response on issues that require collective input.

Inform plottolders in advance of the date of the risk assessment and level of access required on each plot. You may wish to choose a day when the site is not very busy, to minimise intrusion on plottolders' privacy.

Keep everyone informed, as any hint of secrecy will arouse suspicion and increase obstruction. Make this pack available beforehand to anyone interested and put an explanatory notice up at the site.



Bob Gale

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 from another site or council officer. A fresh pair of eyes could pick up on risks overlooked by people familiar with the site.

After studying the contents of this pack 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* box (below).

If adequate training or support is not available the final resort is to formally hand back your responsibilities for health and safety to the other party. You should notify the allotment authority if you do not have the capacity to carry out a risk assessment and ask them to make other arrangements.

Bear in mind that you will have less say in the way in which the site is managed as a result.

Training suggestions

See *Resources* for contact details

- Your ARI Mentor can provide free advice and support on the issues covered in this pack.
- Your regional branch of the conservation charity British Trust for Conservation Volunteers (BTCV) may be able to arrange training. Negotiate a bespoke (tailored) training course specific to allotments. Explain your training needs clearly, as their standard training courses are specific to conservation project work.
- You may wish to provide the trainers with a copy of this pack as part of course planning or take them on a tour around your local sites to point out typical hazards.
- The Environmental Trainers Network or your local Council for Voluntary Services may be able to suggest other training providers or arrange suitable training. Make sure that courses are specific to the allotments, or at least outdoor working, rather than workplace or office-based health and safety.
- Training courses may cost up to £150 per participant or around £500 total cost for a bespoke course. Cheaper courses are usually subsidised, as is the case with ARI and many CVS courses. Share the cost by publicising the course to neighbouring associations or allotment officers who may wish to attend.
- Your council may be able to help with funding: ask your allotment officer, 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.



Bob Gale

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, the communal areas and each plot. As you go, tick off the items on the *Allotment Site Hazards Checklist* (enclosed).

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 the association.

Concentrate on the significant

Some risks are more significant than others: a bonfire left unattended by a plotholder 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.

Respect plotholders' privacy

Do not walk on plots more than necessary and access the plot from a connecting path where possible. Consider carefully whether you strictly need to inspect the contents of sheds, as this may cause offence. Avoid getting distracted or drawn into arguments by plotholders on plots or any who tag along.

What to do with the results

Once completed, take the form to the rest of the committee, who should then decide how to deal with the identified risks. Unless the association's constitution states otherwise, follow the format suggested below to deal with the results of a risk assessment.

Who takes remedial action?

Determine who is responsible for carrying out remedial action for each identified risk. Responsibility might lie with the association or the allotment authority, depending on the terms of the agreement. Boundary hazards might be a joint responsibility between the association and allotment authority and a neighbouring landowner.

If remedial action is the responsibility of any person or organisation other than the association itself, 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 Sheet* (attached to the *Risk Assessment Form* in this pack). Take care not to over-prioritise, otherwise some things will always be at the bottom of the list and never get remedied.



Untenanted plots can be a magnet for rubbish and flytipping. Dispose of hazards regularly

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.

If action points have not been resolved by the time the next risk assessment is due, do not put off carrying out the next risk assessment.

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 "the association accepts no liability for damages" should never be used. Disclaimers do not remove duty of care and are not legally binding.

Untenanted plots

Carry out a risk assessment on plots before letting them, so the plotholder starts with a 'clean slate'. Remove or repair structures and dispose of hazards.

Consider photographing plots so you have a permanent record of their condition for any future cases of misuse.

See ARI factsheet *Restore the Plot* for advice on clearing plots.

Structures on plots

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, used for fences and repairing sheds, often develops lethal sharp edges.



Ensure greenhouses are kept in good repair and structurally safe.

Do not attempt to dismantle larger structures without seeking advice from the allotment authority. You may be able to negotiate for the council to dismantle it or may otherwise need to hire a demolition company.



Bob Gale

Tenanted plots

See *Suggestions for health and safety additions to tenancy agreements or rules* box (below).

Plotolders have a duty of care to anyone on their plot, regardless of whether they have given permission for them to be there. The managing authority has ultimate legal responsibility however and can therefore enforce health and safety specific to plots.

Post a collective 'notice to remedy' on the notice board detailing all hazards found on plots, correction required and deadline for completion. Remind plotolders of their duty of care in the notice.

If hazards have not been rectified by the next inspection, issue an individual 'notice to remedy' to the plotholder concerned. If subsequent notices are ignored you may need ultimately to serve a 'notice to quit', according to your association procedure. See ARI factsheet *Managing Non-cultivation* for more information.

Suggestions for health and safety additions to tenancy agreements or rules

- State the plotholders' duty of care clearly
- "The plot must be kept free of hazards, e.g. broken glass or scrap metal" is clearer than "The plot must be kept well ordered", which could be misinterpreted
- Be clear which connecting paths the plotholder has responsibility to maintain
- Be clear whether sheds and other structures are the plotholders' responsibility. If sheds are owned by the plotholder they are private property, so plotholders will be responsible for ensuring sheds are of sound structure and do not have hazardous contents
- Require plotholders to ask for permission before building a pond or any structure
- Require water storage containers to be a particular specification and/or covered
- Specify safe storage and usage of chemicals such as pesticides and illegality of out-dated chemicals (see *Advice on activities requiring special management* factsheet in this pack)
- As a final resort to tackling broken glass, some associations do not permit glass in any form, e.g. sheets, greenhouses or cold frames. Recommend polycarbonate, perspex or other alternatives.



Discourage sharp-edged metal fencing

By reminding plotheolders of their responsibilities to other people they may be embarrassed into action, e.g. the impact of air pollution from smoky fires on asthmatics or the danger that plot hazards pose to children.

If the plotheadholder claims the hazard pre-dates their tenancy, negotiate a safe outcome. If there is no record of the state of the plot prior to tenancy the onus is on the managing authority to take remedial action. As some plotheadholders may abuse the situation, careful record keeping is essential.

Some federations include health and safety in their judging criteria for 'best plot competitions', or even have a special competition category related to health and safety (e.g. safest allotment site).

Two-way communication

A system for plotheadholders to report day-to-day hazards and incidents is also required, e.g. a list of contacts and respective duties of risk officers on site notice boards or a suggestions box regularly emptied.

Stop-gaps

If there is an unavoidable delay in removing a serious hazard on a plot or communal area, 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 an association or its individual officers 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.

Devolved management associations should check the terms of the agreement to clarify who is responsible for taking out insurance. If the association is responsible,

ensure the policy comes into effect at the same time as the agreement.

Insurance should be taken out in the name of the organisation. 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 can change or alter policies – they should notify policyholders of major changes. 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 (e.g. the association) 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.

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.

Volunteers

Organisations have a duty of care to all their volunteers, which includes committee members' duties, a 'work day' where plotheadholders work together on a specific task and volunteers from an external organisation visiting the site to carry out work.

Carry out a risk assessment before special activities, check that your insurance covers these and seek advice and training on managing volunteers from your CVS.

Volunteers are an insurance cover 'double whammy'. Volunteers need to be insured against loss or injury caused to

Our vision is to
increase allotment
uptake by individuals
and groups

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Employers' duty of care

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

Associations employing staff in their own right are legally obliged to purchase compulsory employers' liability insurance.

Community plots

Community plot(s) not directly managed by the allotment association itself (e.g. rented to another organisation such as a disabled group or residents association)

Arrangement and purchase of insurance for all activities on the plot should be made by the organisation renting the plot from the association. The association managing the site should ask for evidence of their insurance policy.

Community plot(s) managed by the allotment association that directly manages the site

Responsibility for purchasing insurance lies with the association. Check that activities on the community plot are fully covered by insurance policies already held or arrange new appropriate cover.

Community plots should have a separate risk assessment carried out. The Federation of City Farms and Community Gardens can provide samples and insurance to members (see *Resources*).

Buildings, structures and contents

Adequate structural insurance should be considered for association owned buildings/structures. Contents insurance should be considered for the association's property, such as contents of communal building; trading huts and tool banks.

Please note: National Society of Allotment and Leisure Gardeners (NSALG) has an insurance scheme that its members can join.