

Safety Considerations

Health and safety and the law

If you care enough to organise or get involved with voluntary activities in the community, it probably goes without saying that you'll want to create a safe environment as well as ensuring you comply with the law.

Health and safety law can seem confusing so we'll try to explain what may apply to you as an individual or small group of up to 10 people organising and/or undertaking straightforward community activities.

The law concerning health and safety matters is a mixture of both criminal and civil law.

The main legislation dealing with health and safety in the UK is the Health and Safety at Work Act etc 1974 which falls under criminal law. This is aimed at protecting employees and the self-employed at work. It also protects others – such as members of the public – who could be affected because of a work activity. It is important to note that any voluntary organisation that has even one part time employee or that controls premises is subject to the full requirements of it.

The Act is supported by quite a number of specific regulations, which extend duties in relation to the control of particular hazards, specific industries or workplaces. This legislation requires employers and others to take specific actions to protect their staff and others.

Because you or your group has no employees and does not control any premises, health and safety legislation does not apply.

That said, the legislation is based on sound principles that aim to reduce risk and keep people safe. Providing a similar level of protection to volunteers is good practice as many of the elements within the legislation are based on important lessons learned in the past.

In the UK, our civil law system has evolved over hundreds of years, establishing a number of civil wrongs (or torts such as trespass, nuisance and so on) and is based on legal precedents determined by the courts. As regards health and safety, an important aspect of civil law is the tort of negligence – a legal duty to take care not to cause injury to another. If this duty of care is breached and the other person is injured or their property is damaged, this can lead to a civil claim and the payment of damages. Individual volunteers and groups organising voluntary activities have a duty of care to each other and to others who may be affected by their activities.

This means you may still need to think about meeting your duty of care and in exceptional circumstances be in a position to demonstrate that you have done this.

Managing health and safety

Adopting some of the basic and accepted principles that are used when health and safety regulations do apply can help achieve this. As such, you may wish to think about the following areas when planning your activity in a sensible and proportionate manner, depending on the nature of the activity and the number of people involved.

- Think about what you can do to try to avoid accidents happening – by considering any published guidance and standards or even just safety instructions provided with equipment.
- For more complex activities, you may want to adopt a more formal approach by completing an assessment – see About Risk Assessment section below
- Identify any particular requirements relating to working with children and/or vulnerable adults
- Consider any appropriate welfare (e.g. washing, toilets etc.) and emergency (e.g. first-aid) facilities that may be required
- Define any actions, responsibilities and procedures to be adopted in the event of an accident or other emergency
- Identify any health and safety information, instruction, supervision and training that may need to be provided to those involved
- Determine if your health and safety arrangements will need to be reviewed periodically if your project or activities continue over a long time or if circumstances change.
- If in doubt, particularly if you are organising more complex activities, decide if you need specialist health and safety advice

You may want to record your arrangements and any risk assessment you make. The one-page templates provided by the Health and Safety Executive may be useful for this and are available at www.hse.gov.uk/risk/resources.htm. By using the HSE search engine, you'll also find lots of practical guidance on this site related to specific activities or equipment.

About risk assessment

Completing a risk assessment is a key step in identifying what precautions you can take to try to prevent accidents and ill health from happening. Put simply, such an assessment is a structured process of:

- identifying the potential dangers associated with a particular activity
- thinking about the way people could be harmed or come into contact with danger
- determining the necessary precautions to be taken, in the context of any relevant law and guidance

As you do not employ anyone to carry out your community activities, you are not obliged to carry out an assessment under health and safety law. However, if you want to demonstrate that you have considered your duty of care sufficiently – then you may want to complete one as we mentioned above. For some small voluntary groups this would be considered good practice, writing it down in a simple format and making sure that everyone involved in the activities is made aware of its contents.

If you do decide to complete a risk assessment, some useful guidance and an assessment template is available on the Health and Safety Executive's website at www.hse.gov.uk/voluntary/index.htm. There are also other resources available, such as those provided by Volunteering England (see www.volunteering.org.uk).

Zurich's view is that generally the main objective of such an assessment to meet statutory requirements is to make sure that the precautions taken meet accepted good practice.

Adopting this approach should reassure you that you are doing enough and should give you confidence that the precautions you have considered are the right ones.

By doing this, you should be able to avoid:

- stopping activities unnecessarily
- introducing needless constraints or bureaucracy

How do I complete the assessment?

If you do decide that you want or need to complete an assessment, then:

1. Plan the assessment – identify the scope of the activities, where they will take place, who will be involved, how long they will take, whether there are activities which are repeated etc. Look for any relevant legal requirements, published guidance, or other information (like manufacturer's instructions) that you need to consider. Try to be systematic and logical in your approach to make sure that all the elements of the activity and all the necessary precautions are covered.
2. Identify the hazards – think about the potential dangers or problems associated with the task such as the activity area or access (e.g. rivers, slopes, busy roads etc.); the task itself (e.g. excessive lifting or carrying, noise, lone working etc.); the equipment to be used (e.g. lawn mowers, electrical or pressure washer equipment etc.); any hazardous substances that may be used (e.g. paints, fertilisers, petrol etc.) and so on. Think about any non-routine activities (such as maintenance of equipment or emergency situations), and make sure that you consider the way the work will be done in practice – if necessary by discussing the arrangements with your volunteers.
3. Identify who could be harmed and how – such as, volunteers, members of the public, vulnerable groups.
4. Evaluate the risk – you need to do some research to find any recommended precautions and/or legal requirements in place for what's involved in carrying out your activity. This could be online published guidance or simply the manufacturer's instructions for a piece of equipment. Then you need to compare your precautions against these to decide whether they are sufficient, and what else (if anything) needs to be done.
5. Record the significant findings – so that you can demonstrate:
 - that a proper check was made
 - you identified those who might be affected
 - you considered the obvious significant hazards taking account of the number of people who could be involved
 - the precautions you have taken are reasonable

6. Review the assessment – if things change significantly or if activities are carried out for a longer period, to ensure that the precautions you have in place remain adequate.

What happens next?

Of course, a risk assessment document won't prevent accidents on its own. However, used in a practical way to identify appropriate precautions, which in turn are adequately implemented, then significant steps can be taken to prevent accidents.

Once you have completed your assessment (if appropriate) and before the activity starts, you will need to ensure that:

- the precautions identified as being necessary are implemented and followed, including any maintenance checks
- any necessary information, instruction, supervision and training is provided to those involved
- any welfare and/or emergency facilities that may be required e.g. washing and toilet facilities, drinking water, first-aid etc. are provided
- the arrangements to be implemented should an accident or other emergency occur are clearly understood
- precautions are monitored to ensure that they remain effective