

BOUGHTON FEN COMMITTEE

Health and Safety Guidance

Discussion with the HSE advice line (0845 345 0055) on 14th February 2008 to determine the legal obligation for 'volunteers' under the framework of the Health and Safety at Work Act etc 1974, whilst working on common land under the guidance and custodianship of the Boughton Parish Council/Boughton Fen Sub-Committee and Natural England.

Section 2 of the HSWA – Employers duties to employees is not applicable as the volunteers are not employees.

Section 3 of the HSWA – Duties of employers to others not in their employment is applicable, i.e. volunteers, general public, contractors etc.

Section 7 of the HSWA – Duties of employees is not applicable as the volunteers are not employees.

Section 8 of the HSWA – No person is to misuse or interfere with safety provisions is applicable i.e. the volunteers must adhere to any imposed safety requirements.

Use of power and hand tools is covered under the Provision and Use of Work Equipment Regulations 1998 as amended (PUWER). This includes ensuring tools are inspected, maintained and safe and provides for ensuring appropriate information, supervision, instruction and training. There is a chainsaw exclusion for Section 9 if it is used for agricultural purposes (tree clearance, pruning, hedging etc.) and the operative does not require certified training if competent and the item was used by the operative before 1995.

Spoke to Sandy Carmichael, HSE Construction Inspector for Norfolk. He advises that as long as we have RA's, SSoW and PPE and informed the volunteers of the H&S plan, procedures etc. then he sees no additional problems and is happy that NPTC training is not required. He did advise to ensure that this work and specific activity is covered by the PC Employers Liability Insurance and suggest further advice taken from the Norfolk Association of Parish Councils of which the Parish Clerk will have information on.

Other relevant legislation the BFSC should be aware of:

Manual Handling Operations 1992 as amended

Noise at Work Regulations 1989 as amended

Personal Protective Equipment at Work Regulations 1992 as amended

The Reporting of Injuries, Disease and Dangerous Occurrences Regulations 1995

Health and Safety (Safety Signs and Signals) Regulations 1996

Control of Substances Hazardous to Health Regulations (COSHH) 2002 as amended.

Boughton Fen Committee

17th March 2017