

HEALTH & SAFETY BULLETIN

INTRODUCTION

Welcome to Ceres Rural's Health & Safety Bulletin. Each quarter, we update you on industry news, topical issues, and safety alerts with the aim of supporting you in achieving best practice on your farm or estate.

This edition highlights principles of safe livestock handling and provides a reminder of the sentencing guidelines for health and safety prosecutions. It gives precautions to take when using ladders in the workplace and continues by identifying three key machinery safety considerations and illustrating each with a recent case study. The bulletin provides the latest update on the recent Bluetongue outbreak in Kent and lastly details upcoming farm and pesticide inspections to be carried out by the Health & Safety Executive (HSE).

LIVESTOCK HANDLING

Every year, deaths and injuries to farm and estate workers result from handling livestock. These are often caused by using poor equipment, ineffective methods of moving livestock, and underestimation of the strength, speed or behaviour of animals. In 2022-23, there were eight fatalities as a result of being injured by an animal, two more than the rolling five-year average of six. These included:

- A 60-year-old self-employed farmer in the East Midlands was moving cattle in a race and appears to have fallen and received serious head injuries from which he later died.
- A 76-year-old self-employed farmer in the South West who was found dead in a field having been moving bull calves to a new location.
- A 78-year-old farmer in Scotland who was knocked over and trampled by cattle when he was moving them to a milking shed.
- A 58-year-old self-employed farmer in Wales who was crushed against the side of an enclosure by an unrestrained bull.

At a time of year when livestock are being rehoused for the winter months, it is worthwhile recapping the general principles of handling.

- Workers involved in livestock handling should be mentally and physically able, supervised until competent, and suitably trained and experienced. They should be able to use the handling and other safety equipment provided, being aware of the dangers when handling livestock and being able to work calmly with a minimum of shouting, impatience or unnecessary force. Some work with livestock will need two people and although there is no legal upper or lower age limit for their handling, children under 13 should not normally be allowed to enter cattle housing or handle cattle. Similarly, many accidents involve people beyond normal retirement age, when they are less agile, and the risks should therefore be carefully considered before anyone over 65 works with cattle.
- Equipment should be used that provides proper handling facilities which are maintained in good working order. A race and crush suitable for the animals to be handled are essential. Makeshift gates and hurdles are not sufficient and will result in less efficient handling and increased risk of injury. Never attempt to treat or work on any animal that is held by gates alone or that is otherwise free to move at will. Even when animals are suitably restrained and cannot roll or stand suddenly, ensure you have an adequate escape route.
- Animals being handled may be familiar with the process (e.g. dairy cattle) but this should not breed complacency. Make sure that heifers new to the milking herd which may be less familiar with the noises, activities and people involved, are allowed to become accustomed to them before they are milked. Oppositely, suckler or fattening cattle grazed outside all year round may be handled very infrequently, in which case the risks will be greater. Newly calved cows will be protective of their calves, and bull-beef animals – even if they have not developed all the aggressive traits accompanying maturity – can also not be regarded as safe. Habitually aggressive or difficult to handle animals should be culled from the herd or alternatively, should only be handled using equipment and systems of work that are capable of dealing with them while keeping workers safe.

For further information, see HSE Agriculture Information Sheet No. 35: [Handling & Housing Cattle](#).

SENTENCING GUIDELINES

It is worth remembering that the Health & Safety Sentencing Guidelines which came into force in 2016, have resulted in a considerably more robust approach to the financial and custodial consequences of health and safety breaches that result in prosecutions.

The guidelines direct the court to determine the offence category according to the level of culpability (whether very high, high, medium or low) and harm (including the seriousness of harm risked and likelihood of that harm arising).

This will categorise the offence and business turnover will be used to decide the starting point for a fine, which may be adjusted according to aggravating and mitigating factors. The court will consider factors that may warrant an adjustment to the proposed fine such as the financial circumstances of the defendant, assistance to the prosecution, and possible reduction for a guilty plea, and will lastly consider whether the overall sentence for multiple offences is just and proportionate, giving reasons for the sentence imposed.

Fines are now unlimited within a £50 to £10 million range and imprisonment can range from a conditional discharge to two years custody. In summary, the sentencing guidelines send a clear message to the agricultural industry that health and safety must receive the highest priority and that failure to do so will result in robust and far-reaching consequences for both businesses and individuals.

LADDERS

Ladders and stepladders are not banned under health and safety law. The law calls for a sensible, proportionate approach to managing risk, and ladders can be a sensible and practical option for low-risk, short-duration tasks, although they should not automatically be the preferred choice. There are simple precautions to take when using ladders in the workplace.

WHEN

Ladders can be used when an assessment of the risk for carrying out a task has shown that using equipment that offers a higher level of fall protection is not justified. This might be because of the low risk and short duration of use, or there being existing workplace features which cannot be altered. As a guide, a task requiring someone staying up a ladder for more than 30 minutes, should use alternative equipment. Ladders can also only be used when they can be deployed safely, in a level and stable manner, and secured where it is reasonably practicable to do so.

HOW

Ladder users must be competent or if being trained, must be supervised by a competent person. Competence can be demonstrated through training, practical and theoretical knowledge, and experience. Training should be task appropriate and include how to assess the risks of using a ladder for a particular task, when it is right to use a ladder (and when it is not), and which type of ladder to use and how to use it.

SAFE

A pre-use check should be carried out by the person using the ladder, at the beginning of the working day, and after something has changed (e.g. the ladder has been dropped or its location changed). The check should include the stiles (ensure they are not bent or damaged to avoid ladder buckle or collapse), feet (ensure they are not missing and are clear of debris to establish good contact with the ground), rungs (ensure they are not bent, worn, missing or loose), locking mechanism (ensure it works properly and that its components or fixings are not bent, worn or damaged), platform (ensure it is not split or buckled), steps and treads (ensure they are not contaminated or slippery).

TYPE

Select the appropriate type of ladder, whether leaning, telescopic, stepladders, combination or multi-purpose. Ladders should conform to EN131; while BS2037 and BS1129 have been withdrawn, ladders originally made to these standards prior to their withdrawal may still be used, subject to following user instructions and guidance on safe use. There are now only two classes of ladders within EN131: professional and non-professional, the latter should be used in the workplace while the latter is only suitable for domestic use.

WHERE

Ladders should only be used on firm, level ground and on clean, solid surfaces which are not contaminated with substances such as oil, moss or leaf litter, and are free of loose material such as sand, so the feet can grip. Shiny floor surfaces can be slippery even without contamination. Ladders should not be exposed to being struck by vehicles or pushed over by other hazards such as doors or windows. The work area should also exclude the general public using barriers, cones, or as a last resort, a person standing guard at the base.

For further information, [click here](#).

MACHINERY SAFETY

CASE STUDIES

The dangers of agricultural machinery are well documented. In 2022-23, three people were killed when struck by a moving vehicle, and a further three people were killed as a result of coming into contact with machinery. Below, we identify three key machinery safety considerations and highlight each with a recent case study.

PTO SAFETY

A self-employed agricultural contractor lost his arm on an unguarded PTO shaft attached to a tractor and semi-mounted water tanker. The contractor had been instructed to empty an underground tank full of rainwater prior to minor civil engineering work. During the process, another worker was not convinced that water was being extracted from the underground tank, so he went to the rear of the tractor to check the discharge lever to the tanker was in the correct position. As he placed his hand over the exhaust outlet to feel for emissions, his clothing and high visibility tabard were caught on an exposed section of the rotating PTO shaft and torque limiter and his arm was ripped off. Lack of maintenance and deficient guarding of the PTO shaft were major contributory factors. Replacing the damaged PTO guard with a new one would have prevented the accident.

The active partner in the business was prosecuted under Regulation 11(1) of the Provision & Use of Work Equipment Regulations 1998 (PUWER). He pleaded guilty and was fined £4,000 plus costs of £2,500.

ISOLATION

A farm employee broke his wrist and sustained friction burns when his arm became trapped in a belt conveyor feeding dried grass to a baling machine. He was instructed by the farm manager to remove a build-up of grass from the surface of the tail drum as the belt was being deflected from its track. As he was clearing grass from the tail drum of the inclined belt conveyor, the foreman turned the machine back on.

The farming company was prosecuted under Section 2(1) of the Health & Safety at Work etc. Act 1974 for failing to implement a safe system of work to ensure machinery remained isolated while obstructions were cleared and instructing employees accordingly; and Regulation 3(1) of the Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013 (RIDDOR) for failing to report the accident by the quickest practical means. The company pleaded guilty to both charges and was fined £6,000.

EQUIPMENT CHECKS

A casual worker was injured when his arm was drawn into a potato harvester. The accident happened on the worker's second day at work on the machine. At the end of the day, he reached across a processing section of the machine that should have been guarded to retrieve the last remaining potatoes from the machine as it was running clear. His arm was drawn in up to the elbow, breaking his fingers and forearm bones, and removing muscle from the top of his forearm.

The farmer was prosecuted under Regulation 11(1) of PUWER for failing to take effective measures to prevent access to dangerous parts of the machine. He pleaded guilty and was fined £5,000 plus costs of £1,561.

BLUE TONGUE

At the time of writing, the Animal & Plant Health Agency (APHA) has confirmed five cases of Bluetongue disease (BTV) in Kent comprising of one initial case on 11th November 2023 followed by four more animals located at two new premises on 26th November 2023.

A 10km Temporary Control Zone (TCZ) has been put in place to minimise the spread of disease and while the APHA undertake further investigations to determine if there has been any further spread. The last outbreak was in 2007. Livestock keepers are asked to remain vigilant and follow the restrictions on animal movements. UK Government notes that three serotypes of BTV (BTV-3, BTV-4 and BTV-8) were already known to be circulating in Europe.

BTV is a notifiable disease of ruminants including sheep, cattle, deer and goats, and it is generally accepted that BTV does not cause disease in other animals or humans. It is mainly spread by adult infected midges biting an animal susceptible to the disease, with the time of year, meteorological conditions, proximity and density of neighbouring farms being significant factors in the potential incursion and spread of the disease.

The UK Government's BTV disease control strategy includes good biosecurity, which the Agriculture & Horticulture Development Board (AHDB) describe as being "important for growers and farmers alike, regardless of your produce or livestock." Benefits include avoiding new infectious diseases, reducing the spread of disease, controlling and eradicating disease, reducing the need for antibiotic and medicine use, and increasing productivity.

For further information, [click here](#).

UPCOMING FARM INSPECTIONS

The Health & Safety Executive has announced that they will be visiting farms across Great Britain throughout winter 2023 and spring 2024. Inspections will focus on the main causes of death and serious injury in farming, including falls from height.

Also announced recently, the HSE's Pesticide Enforcement Officers (PEOs) will begin a programme of visits to farms this winter. These visits will be primarily selected from crop and arable (plus protected crops) farms of 150 acres and over, who are not currently registered under the Official Controls (Plant Protection Products) Regulations 2020 (OCRPPPR) and have not been visited by the HSE in the last five years. The visits will focus on the management of pesticides on farm, considering both storage and use arrangements. Where issues of non-compliance are identified, advice will be given in the form of verbal and/or written advice, and in the most serious of cases, enforcement notices may be served to set a specific timescale for remedial action to be taken. There will be no charge for these visits.

For further information on PEO visits, [click here](#).

For further information on OCRPPPR registration, [click here](#).

GET IN TOUCH

If you would like to discuss any topics raised in this issue of the Health & Safety Bulletin, do not hesitate to contact our Healthy & Safety Guidance expert.



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