



Virtual Fisheries Forum 12/01/2022 - Guide to Health & Safety Requirements for Projects & Working Parties

Q&A Session

Q. Many fishing platform spaces/pegs were likely designed years ago when people fished with much less equipment, meaning that they can often now be cramped and crowded with gear or overweighted. Do you have any suggestions for how H&S can be maintained in this situation – e.g. updated peg/platform designs?

A. (Paul Coulson) You do not want to be retrofitting existing pegs/platforms. Really it is a case of re-designing and rebuilding to meet the needs of the angling situation. If large pegs are required, then the British Disabled Angling Association have some design ideas which can accommodate anglers with disabilities and those in wheelchairs ([BDAA Platform details available by clicking here](#)). You can also get strong durable platforms made from recycled materials like blends of timber and plastic so rotting and weakness over time is less problematic.

Q. Are there any differences in legal obligations when working on owned waters as opposed to rented waters?

A. (Mark Owen) It may depend upon what your agreement is with the landlord but as a general rule I would say no because you as the angling club/association/society have a duty of care. It is advised to go through the terms of your lease to clarify.

Q. Is £5 million public liability insurance sufficient to cover general work part activities?

A. (Paul Coulson) Yes that figure is pretty standard as the minimum cover insurance companies would provide.

A. (Mark Owen) For private contractors we would expect them to be insured up to £10 million for public liability.

Q. Do signs at the entrances to fisheries/waterways saying “enter this property at your own risk” carry any weight in law?

A. (Paul Coulson) No they do not. But signs warning of hazard on the fishery carry weight in law.

Q. Must work parties have a qualified first aider present by law?

A. (Paul Coulson) If you are running a work party a qualified first aider is not required by law, but we would strongly suggest a designated/appointed first aider within the club for such events. The absolute necessity of this is dependent on the risks of the activities involved; for example, in low risk work a qualified first aider is obviously less important. However, it is important that a member of the team knows how to contact the emergency services, where the nearest hospital is and how to identify an access point if emergency services need to be called e.g What3Words.

Q. PPE - Should these guys (referring to a photo of people in suitable attire for a typical angling club work party) not be in Hi-Vis, Hard Hats and steel toe capped boots?

Firstly, your suggestion that Hi Vis, Hard Hats and steel toe cap boot as a standard for a working party is not incorrect, but it should be assessed against the work you are organising. For instance, Hi Vis vests are perfect for identifying people working in an area, but not worn correctly and you are using some type of machine, then there is nothing better than a flapping vest to get tangled in the machine. Similarly, are steel toe cap boots necessary for a working party if there is little risk of impact.

Hard hats will limit the impact of falling debris and will offer protection if the wearer falls over. But if you are not at risk of falling objects and working in a grassed area, is it necessary?

Every situation is different and the extent of PPE to be worn for any task should be identified in your Risk Assessment. For instance if the machine is noisy then hearing protection should be worn, plugs or defenders. If debris is to be disturbed, such as strimming and using a chain saw, then eye protection should be worn, you would consider good fitting safety glasses, but with these operations there is also a likelihood of debris that could impact the face and therefore a full face visor should be worn. So it might be a simple process of using a bow saw, not much to worry about, maybe gloves, but if you are sawing a branch overhead then consider safety glasses rather than get an eyeful of saw dust, It is simply a process of assessing what the risk is for any activity.

Protective equipment will not provide total protection. It is not a substitute for safe working practices. Make sure you are fully aware of all the operating instructions and safety considerations for the task and machines you are using.

The above examples are simply a view of the assessment process and are not a recommendation for the full PPE for any task or item of equipment.

Equipment manufacturers will offer guidance for PPE and further information can be found on the HSE website

[Personal Protective Equipment \(PPE\) \(hse.gov.uk\)](https://www.hse.gov.uk/ppe/)

Q. What are the responsibilities re tree management? Is a falling tree or branch an 'Act of God' ?

A. (Mark Owen) Depends what has caused the tree to fall. If it has been man induced for example via chainsaw use around its base then no, that is not an act of God. but if an old tree does come down due to aged weakness or a breeze of wind then yes AT insurance covers storm or tempest damage. The risk assessment should cover these scenarios with mitigating measures in place where possible to make risk as low as reasonably practicable.

Q. One concern for an organisation classed as an "Employer" the HSWA 1974 applies, including PUWER Regulations (even to volunteers). This means there is a lot of liability on the Duty Holder, for the safety of the volunteers and equipment they use. So, in today's H&S climate, does it not seem safer and easier to use insured contractors, as opposed to "work parties"?

A. (Paul Coulson) Yes absolutely, The PUWER (Provision and Use of Work Equipment Regulations) set out the conditions for employed workers (i.e. those who receive a form of payment in return) using equipment. PUWER still applies to volunteers if the organisation provides them with the equipment. If they use their own equipment, then that becomes a nasty grey area. In saying that, if an organisation asked or instructed a volunteer to carry out a task using the volunteers own equipment, then I believe the organisation would have a duty of care to ensure the Health and Safety of that volunteer.

[Voluntary work - Volunteers: Your health and safety - HSE](#)

If you have a lot of tree work or heavy-duty jobs it makes much more sense to bring in a private contractor who is fully qualified. This removes the risks off you and minimises the need for obtaining specialist equipment and you have an expert who can hopefully complete the jobs to a high standard.

A. (Mark Owen) I would add that the angling club/group/society still have a legal duty of care for their volunteers and the contractor working on their behalf. Just because a contractor is brought in doesn't completely remove any responsibilities see details in my presentation.

Q. Would the allocation of free fishing access or benefits of any kind for attending work parties or completing work for an angling club/association/society qualify as payment and a form of employment?

A. (Paul Coulson) Yes, they are considered a form of payment. Angling Trust volunteer guidance clearly states that volunteer working is done as un-paid and without any expectation so there is no tangible incentive or anything that can be considered coercive with contractual language. I would also suggest going to the NCVO website and looking through their guidance ([NCVO guidance available here](#)).

A. (Mark Owen) Download the Angling Trust document and read it well as it clearly outlines just what is expected from volunteers and how they should be managed in accordance with legislation. We are currently updating it with some additions relating to GDPR of volunteers which should be complete in a matter of weeks ([Angling Trust Volunteering Best Practice Guide available here](#)).

Q. What is practicable is really important for an angling association with limited resources. We have done what I think is a good risk assessment and have developed briefing sessions on the day and a lead for the day. The big question for us is training and certification. Our Risk Assessment person was trained at work but that was 4 years ago - now retired. Our chainsaw operators use chainsaws regularly but are not formally trained and certified. Big question is should they be trained and certified?

A. (Paul Coulson) If you are undertaking a volunteer activity then the critical element is that they need to be competent and be able to demonstrate that competence. Also, that they have adequate PPE and equipment operating to a comprehensive risk assessment. So, whilst under the context of a volunteer event training/qualification is not legally required, it is highly recommended that volunteers are trained/qualified and with this in mind it's worth consideration for angling clubs/associations/societies to invest in their volunteers to receive up to date training/certification. This would be realistically possible with the money which has been made available by grants through covid for example.

Q. Can you offer some advice. I have notified my insurance company I may have volunteers in my car. They have told me verbally I am insured however most companies now say it is down to me to check the suitability of the policy and that it suits your needs. How can you avoid finding yourself uninsured?

A. The main thing here is to make sure you have something in writing, i.e the exact policy statement which encompasses you being covered if/when volunteering to take passengers to a location as part of a wider volunteering event.

Q. What First Aid training/qualifications should ideally be held?

A. (Paul Coulson) You can easily do a standard outdoor 1-2 day emergency first aid course which is offered by loads of training companies all over the country. ([Example course available by clicking here](#)). A refresher course is usually required after a period of time to remain validated.

A. (Mark Owen) Just to reiterate qualified first aid is not legally essential, but we strongly recommend it. The requirement for a trained first aider is dependent on your risk assessment and the level of hazard for the operation.

Q. Can you quantify construction? Does this encompass swim building and path access creating with machinery?

A. (Mark Owen) If it is maintenance and clearing to make a path or swim that is not construction so wouldn't be covered, but if it is building a path or swim from scratch that is construction so would be covered.

Q. What are the responsibilities of the club and its officials if an accident occurs on a club work party?

A. (Mark Owen) We would hope that the officials have followed good practice and risk assessments have been done/followed competently. All the mitigation measures devised on the back of the risk assessment can be shown on paper as a record. The club and its officials ARE responsible in the event of an accident. However, that responsibility will have been discharged if they have carried out a risk assessment of the activities and fishery and taken all reasonable and sensible action to mitigate the risks and informed their members adequately.

A. (Paul Coulson) I believe HSE have a requirement for volunteer incidents as per HSE Voluntary work – [Voluntary work - When to report incidents involving volunteers - HSE](#)

Q. I think your comments regarding insurance needs to be expanded, give us more details re liabilities etc. I guess most of the people on this webinar are looking for answers to how we cover ourselves as individuals and clubs given what happened to our colleagues in the Birmingham Club?

A. (Mark Owen) How you cover yourselves is what we have presented tonight i.e., to ensure your organisation is following the guidance given. I don't see another way of doing so. By following what Paul and I have laid out this evening should ensure that firstly an accident doesn't happen and secondly that you will be meeting the requirements of your insurance company. The company which the Angling Trust provide insurance through is <https://www.howdengroup.com/uk-en/anglingtrust>

Q. Evening guys. I am water manager for a syndicate where every member has an equal say/vote and if at the AGM it is democratically voted on that a minimum of 2 work parties per year must be done by each member who is liable and is this still considered as a potential form of coercion?

A. (Paul Coulson) If everybody had an equal vote and every member was there then there is a specific way this could avoid the coercion issue but realistically it is more than likely this will not be achieved due to the logistics involved. Plus if some members voted against as a minority imposing this on them would be coercion.

Q. Risk assessments seem open to organisations to mark their own homework. Does the Angling Trust provide an over seeing facility to guard against the likely hood of inadequate assessments that may only be discovered when it's too late?

A. (Mark Owen) We do not do this at present is the simple answer. We will be providing some more guidance later on. The concern with providing templates is that we are not knowledgeable as to your individual sites and each work sites characteristics and features to be risk assessed are different, so it encourages production of a better risk assessment if those who are planning the work activity with intimate site knowledge produce their own risk assessment from scratch. A blanked template simply cannot cover everywhere.

A. (Paul Coulson) HSE have a lot of great information/guidance for producing really high-quality risk assessments not to mention what has been covered in the presentation earlier. ([HSE risk assessment guidance and template examples available here](#)). Again, following from Mark, risk assessments are dynamic documents produced by you which should be reviewed by wider committee, for example the electrofishing one in my presentation has been reviewed countless times and altered according to situational change.

Q. We have a Health and Safety Policy in place along with a comprehensive generic risk assessment. This generic RA follows exactly the same format as the one shown by Paul for Electric Fishing. If we were to produce a SSRA in the same format, then it would simply copy relevant sections from this generic RA. Do we need to do this, or can we simply rely on the generic RA?

A. (Paul Coulson) You could expand your generic risk assessment to put site specific elements in there which would suffice but I would suggest that alongside this you undertake what is known as a dynamic risk assessment on the day to identify any issues which may have been missed on the generic risk assessment. The river fly monitoring initiative produced a really good risk assessment format along these lines using traffic light colour coding for extent of risk etc customisable for different sites. ([Riverfly monitoring generic and dynamic risk assessment documents available here](#)).

A. (Mark Owen) Following on from what Paul said you do need to communicate that to your volunteers, so they have had the opportunity to see the dynamic risk assessment before any work is undertaken.

A. (Paul Coulson) That point is really key actually to risk assessments Mark because they are often not the property of the person who writes them but those who's risk it assesses. However, A person or persons must take ownership of the RA especially if there is mitigation to carry out, then the Owner is responsible for ensuring the mitigation is carried out. Another point is that the RA should, ideally, not be carried out by a single person sat at home, a group on site is the preferred method.

Q. Chainsaws - if a chainsaw is used on a work party by anyone (volunteer or club representative), but the work is for smaller activities and NOT to fell a large tree. does the user require any kind of official level of competence such as a City and Guilds certification? The Angling Trust insurance policy only states that a user must be "competent". but there is no further information to break down what this means?

A. (Mark Owen) There is a gap here in the legislation. If you are a company and are employing people to use chainsaws for you then there is a legal need for chainsaw users to be currently trained/certified whereas for volunteer events this law does not apply with instead chainsaw users just needing to be deemed as “competent” at using the equipment. A club committee needs to decide what they will accept as demonstration of suitable competency for the task at hand and whether the work is a job better suited for private contractors. HSE definition of competence includes training with the correct PPE described as hard hat, hearing protection, face visor, gloves, cut resistant trousers and chainsaw boots.

Q. Does the fencing of Rivers come under Construction Design Management (CDM) territory?

A. (Mark Owen), No CDM guidance is that fencing comes under CDM if it is an integral part of construction of say a building not a ‘stand alone’ project. There are also other considerations when fencing Rivers for example relating to EA permits, landowner boundaries and public access requirements.

Q. What are the accepted requirements for disabled access pegs?

A. That would be the remit of the British Disabled Anglers Association as covered earlier ([Website available here](#)).

Q. For CDM purposes how would you measure the timescale of a project? Actual or elapsed?

A. (Mark Owen) Actual.

Q. Many of the habitat improvement projects our organisation undertakes are relatively minor and we are not sure whether or not CDM regulations apply. Examples would be planting wildflowers along the riverbank, planting small willow whips, planting small hardwood trees, protecting such plantings from life stock by using tree guards or post and wire fencing etc. I appreciate the need for risk assessments but do CDM regulations apply to such minor projects?

A. (Mark Owen) I don't believe that CDM would apply to the work as described in the question, but it would be for work deemed as agriculture. HSE volunteering guidance should apply.

Q. What would be the essential lone worker legal requirements for a full-time river keeper operating alone in his day-to-day conduct of his job?

A. (Paul Coulson) That would be part of their employer's agreement with them, but HSE would certainly require there to be risk assessment mitigation measures in place for lone working such as sending text message updates frequently throughout a working day.

A. (Mark Owen) There are risk assessments specific for lone working which we for example use for staff, so resources are out there.

Q. Felling licence is only required if felling over a limited cubic metre in any one-year quarter. Forestry Commission web page will give more detail.

A. (Mark Owen) We will include a link to the details of this on the FC website ([Available here](#)).

Q. If the club is putting in some steps using club volunteers, would this come under CDM. If so, surely this would mean the club would be the Client, Designer and Contractor?

A. (Mark Owen) Yes, it would come under construction and you would be client, designer and contractor.

Q. Could chainsaw competency be assessed on experience or are current/in date qualifications required?

A. (Paul Coulson) There is an expectation even for qualified chainsaw users to undertake refresher training in relation to how often they use the piece of equipment.

Q. Allied to the environment, consents etc, and related considerations for work parties, is there more detailed written/slides info you can provide advice on the issues? The Wild Trout Trust have info on maintaining large woody debris, but advice directly related to work parties taking a responsible approach to work party efforts would be useful. Or perhaps a future Zoom workshop?

A. Yes that guidance was mentioned in the presentations earlier and will be made available with the written document following this forum.

Wild Trout Trust large woody debris guide:

(https://www.wildtrout.org/assets/files/library/Woody_Debris_Apr2012_WEB.pdf).

Q. Chainsaw training: Paul recommended NPTC level 2 for volunteer work parties. What would be the recommended level for a paid river manager?

A. (Paul Coulson) You've firstly got entry level chainsaw maintenance and crosscutting then the second part is felling/processing of trees. Then if you feel the need you can proceed to some additional courses which cover working at height etc. As an introduction the first 2 courses would be sufficient to be well prepared. LANTRA training is equally acceptable but there is a clear definition between 'Training' and 'Certification' HSE appears to recommend Training as part of the definition of competence.

Q. Having had an accident earlier this year where my box and me fell off a concrete shelf, falling 2.5m into 15cm of water, I would urge that clubs all check their platforms. I was lucky suffering some internal injuries and requiring a two night stay in hospital. If I had hit my head the story would

have been different. It is probable that many high banks are unsuitable for platforms and anglers must fish from the bank.

- A. (Alex Clegg) This is a perfect example of why it is so important to undertake regular checks of platform/peg safety/stability as alluded to in the presentations.
- A. (Paul Coulson) With events like this it is worth factoring in to risk assessments/maintenance regimes the potential for bank weakening over time by natural erosion and damage by creatures like Chinese mitten crabs and signal crayfish which burrow into the bank undercutting them resulting in bankside pegs more susceptible to collapsing.

Q. Is there any clear guidance from the Environment Agency on how angling clubs are required to implement CDM, bearing in mind the EA may provide funding to angling clubs for project work?

- A. (Mark Owen) The Environment Agency will have different requirements to provide funding for projects through their Fisheries Improvement Programme compared to the Angling Trust administered Angling Improvement Fund.

Q. Do we need a register of details for all people attending work parties. If yes, which details? Name or NOK, address etc

- A. (Paul Coulson) Not necessarily, there is no legal requirement but if it is useful to you as a club to keep such details then that is your decision to make but be conscious of GDPR.
- A. (Mark Owen) An extra purpose of doing this would be aligned with safety procedures to ensure all people who come on to site are verified as leaving site. Ideally, names should be taken when the work and risk assessment briefing is given. There is no problem with GDPR if just the name is taken.

Q. Would a fishing club be expected to formally risk assess the fishery to protect its members whilst they are angling as well as those volunteers who are engaged on work parties?

A. (Paul Coulson) There is a duty of care to minimise risks for any volunteers/guests/anglers on site under your public liability insurance. Hazards such as overhead power lines, livestock in fields and the additional hazards in inclement weather, winter and flooding, steep slippery banks and the closure of pegs, particularly rivers could be included with membership details of newsletters, Facebook appears to be a well-used media. There is little mitigation you could apply to a steep slippery riverbank as the EA does not permit cutting out steps or areas to take a tackle box, so if it is considered unsafe the peg would have to be closed.

Q. At work parties - juniors and those with pre-existing medical conditions? Any specific guidance?

A. (Paul Coulson) Yes, if they are under 18, they are classed as “inexperienced” minors by HSE, so more supervision and guidance is needed for them. Underlying health conditions need to be identified before any work is carried out and serious consideration made as to what jobs they are able to perform/whether they are suitable with their health condition to be involved.

Q. If members bring their own equipment to working parties would PUWER still apply as the organisation is not providing this to the workers. If an accident happened to the user would this be their own liability or would the organisation still have a duty to check it before use.

A. (Paul Coulson) There is a duty of care to check equipment and competence before use but if they are using their own equipment under the PUWER organisations are not responsible for faulty equipment owned by volunteers under the common law duties of how equipment is used. However, we suggest that it would be sensible practice to check before you allow use.

Q. We rent a water from the local authority and have to provide risk assessments and method statements if we want to do any work at the lake. The local authority carries out works without any notification or consideration for the angling club. Is there anything we can do about this?

A. At the very least they should be reminded that they need to advise the club of any change or introduction of the site hazards.

Q. If an angling club has a committee member nominated to be responsible for H&S, who will end up in court and financially liable should an accident occur on a working party and the H&S procedures were deemed inadequate? Would it be the club as an organisation or the nominated H&S individual.

A. We would hope that by following the guidance we are giving this would not occur, but it is the club as an organisation that has a duty of care. The club is responsible and if they nominate an individual to for H&S then they must ensure that individual is competent to do so.

Q. The presentation said assess competence of equipment users, but this could require an assessor to have specialist knowledge. Specifically on discussing chain saws, it was said assess they are well equipped and knowledgeable, and they should use their own kit. But now it has been said competence means having attended a chain saw course. Demonstrates the problem that Clubs face when deciding how to act reasonably. Which is correct?

A. As answered above

Q. We have talked a lot about chain saws but what level of competency would one expect when using the likes of strimmer's, hedge cutters and mowers etc as all can be dangerous if not used properly

A. Again, there is a requirement to be competent in using this sort of equipment and this should be identified through the risk assessment.

Q. Any specific first aid kit you would recommend buying?

A. We would recommend buying from a reputable supplier – there are a lot out there, personally I buy ones endorsed by the St Johns' Ambulance or the British Red Cross. Ensure that what you buy is suitable for the risks faced

Q. If a person crossed an exclusion that was not part of a working party and got injured would the club still be liable, would an exclusion zone / work need to be manned to ensure its not crossed?

A. This would be based on whether the club had taken 'reasonable and sensible' action to prevent someone entering the work area. More so if there is public access around the work area which should be identified in your RA. In the case of a work party then there is likely to be one person keeping a look out for anyone else entering the area where, say a chain saw is being used, and able to stop the work

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