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## **HEALTH AND SAFETY EXECUTIVE**

### **AGRICULTURAL INDUSTRY ADVISORY COMMITTEE (AIAC)**

#### **HSE Agriculture Sector Intervention Strategy 2018 and beyond**

##### **Summary**

1. In September 2017 HSE published the Sector Action Plans for a range of industry sectors including agriculture.
2. Those plans had been developed over a number of months and AIAC members had been consulted and commented on the earlier drafts prior to publication.
3. The published plans were brief statements setting out the priorities for the Sectors and the key areas for action.

##### **Discussion**

4. AIAC members had submitted detailed comments and the high level plans may not have reflected the depth and breadth of the materials received from AIAC
5. In addition AIAC members will be aware that HSE has undertaken detailed insight research into the attitudes to risk in the farming industry and this work will be significant in informing our future activities.
6. At the 15 November 2017 AIAC meeting members were updated on the development of HSE's agriculture intervention strategy and some of the emerging detail was shared verbally with members.
7. The attached draft paper sets out the detail of HSE's proposed approach and is for members to comment.
8. It is likely that the contents of the draft paper will be shared with HSE's Board at their meeting on 6 December 2017.
9. The Agriculture Intervention Strategy will be finalised and published in the first quarter of 2018.

##### **Action**

10. Members are invited to comment on the contents of the attached draft and also asked to highlight any perceived omissions.
11. Comments are required by 31 December 2017.

Rick Brunt, AIAC Chair  
22 November 2017

## **HSE AGRICULTURE SECTOR INTERVENTION STRATEGY**

### **DRAFT FOR AIAC, FSP AND HSE CONSULTATION**

In September 2017 HSE published its Sector and Health Plans covering 19 industry sectors. The plans set out the strategic priorities for these sectors and the actions HSE proposes to take.

Recognising that the agricultural sector, encompassing crop and animal production, forestry, logging, fishing and aquaculture, has a poor record of managing health and safety risks this Intervention Strategy sets out a more detailed view of actions HSE will take over the next three to five years to drive forward improvements in the industry.

### **Background**

Agriculture has a poor record for managing health and safety. Around 340,000 people work in the sector, accounting for around 1% of the GB workforce, yet it accounts for 20% of worker deaths. On average the industry kills 32 people each year including 4 members of the public.

In addition around 4% of workers are injured in non-fatal incidents annually, and a similar percentage of workers suffer an illness they believe to be work-related. This equates to 15 000 workers injured and 16 000 workers made ill each year.

While the total number of fatal injuries has been falling over time, over the last 35 years the fatal injury rate for agricultural workers has shown no clear trend, although there are some signs of improvement in the last five years.

Through 2016 and 2017 the industry has shown some significant signs of increased awareness and activity to address farm safety. Examples arise in the discussions at the NFU and NLBC Councils; engagement of NFU Regional Groups in an HSE/NFU safety event; social media activity stimulated by the farming community; campaign activity by the Young Farmers Clubs; the penetration and voice of Farm Safety Week and the emerging discussions at the England and Wales Farm Safety Partnerships as they acknowledge the need to work to a more coherent Strategy.

If these signs of improvement are to flourish and grow, HSE needs to build momentum and drive forward industry wide improvements in health and safety performance.

### **Building Momentum**

Agriculture continues to be a priority sector for HSE. We want to see significant improvements in all areas of health and safety performance, particularly in; reducing the rate of fatal injury, reducing cases of occupational ill health and seeing increased ownership and action by the industry to address its poor performance.

HSE's regulatory role in this industry is an important one: The causes of death and injuries, and ill health are well known, and the means of preventing these are equally well known and straightforward. Many, if not all, of the shortcomings that lead to death and injury are addressed by existing legal requirements, all of which have been

in place for decades. HSE's intervention strategy, and the actions of other industry stakeholders must, first and foremost, promote legal compliance.

In our Sector Plan we set 5 broad headings to focus our regulatory and engagement activities to securing effective management and control of risk. Each of these is expanded below to highlight the work developing and the specific actions we will take to secure legal compliance.

## **1. Effective targeting of inspection activities;**

Over recent years HSE has recognised that, on its own, one to one inspection activity is not a cost effective way of securing industry wide change in this sector. Nonetheless there is still a key role played by inspection in securing legal compliance and our 2010 and 2014 strategies had a continuing aim of making public appropriate and justifiable benchmark health and safety standards for the industry and a sustainable programme of inspection and investigation to promote compliance.

We will continue this theme and deliver a rolling programme of inspection activity targeted using a number of different approaches. These approaches will use synergies from different opportunities such as specific cross-sector risks (eg transport); specific sub-sector risks (eg harvesting) and other criteria such as geography or audience segment (from our insight research).

As with all of HSE's inspection activity the overriding purpose will be to focus on risk and assess the quality of health and safety management (legal compliance). Programmes will have several objectives; securing on farm compliance, promoting industry understanding of good health and safety performance, and promoting use of HSE and industry guidance. Inspection will also be used as a means of measuring the reach and impact of other HSE activities such as educational or promotional activities in this sector.

To this end individual inspection campaigns may focus on one or more of the following:

- Seasonal activities that may carry higher risk to workers
- Activities that may involve more vulnerable groups of workers
- Businesses that have attended HSE run educational activities
- Businesses that did not attend HSE run educational activities when invited
- Geographical areas of poor H&S performance
- Geographical areas that have had particular promotional activities
- Inspection by appointment to focus on areas that are not understood.
- Benchmarking performance at industry or local level.

HSE's Agriculture Unit will provide support and training to field inspectors to ensure that inspections are effective and consistent, applying HSE's EMM and EPS consistently. We will also work through the planning cycle to ensure that inspection work is allocated in a way that promotes expertise in our field staff.

Inspection activity will be used to underline that self employed farmers are not exempt from H&S law and can expect enforcement action if minimum standards are not met.

Inspection programmes may also incorporate pre and post media activity to help inform farm businesses to understand what inspectors are looking for, and what circumstances are likely to attract enforcement action. (see 3 below).

Targeting of inspection activity may also be used to benchmark industry performance as a longer term measure of shifts in performance and the extent to which improvement is sustained.

## **2. A targeted programme of appropriately blended interventions using our insight research, intelligence from other government departments and the latest communication techniques to amplify messages;**

Our insight research has identified distinct segments in the farming community based on attitude and approach to risk. There is no single action that will change the industry's performance, we need to do the right things to improve knowledge, change behaviours and bring about lasting change. To influence these segments effectively we need to deploy a range of interventions to promote sustained improvement in H&S performance.

Where we can identify businesses that relate most to specific segments we will tailor our approach and target specific groups to optimise the penetration and impact of our messages.

HSE's direct intervention techniques will include; direct on farm inspector activity, educational/promotional events (SHAD like), media campaigns using traditional and digital media, and partnership work with other stakeholders to promote our messages. These approaches will be used individually and in combination to maximize the impact they have in securing sustained compliance with the law.

For example, a "blended approach" to direct farmer contact may consist of traditional media activity, followed by a specific (by invite) promotional event, followed by downstream inspection activity supported by real time social media activity, and concluded with report back to the industry of what was found. Such activity may span the medium or longer term in order to secure long term improvement in the industry.

We will also work with intermediaries, such as the Farm Safety Partnerships (FSPs) or their member organisations, to help stimulate and target their promotional activities, offering our learning on areas such as messaging, audience make up, event content, and so on, to drive forward ownership and cultural change.

We recognize that the combination will vary for different segments and industry activities so we will develop and test different approaches, building on effective interventions and halting activities that have little benefit.

To ensure effective interventions HSE's Agriculture Unit will develop means of targeting, and work with other Government Departments, and other bodies to share intelligence that helps understand where our activities can have the best impact and will promote long term improvements.

The insight research supports a continued use of a SHAD-like approach showing that this has a high value for engaging with some segments of the industry. SHADs have

been used in the farming sector over a significant period of time with little change to their format. While the industry sees them as “training”, HSE has held the view that they are awareness raising events and do not currently present a means of detailed education. In more recent years some parts of the industry have started to run events on a similar format albeit different scale. There is a complimentary effect that can be used with the scope for HSE to regenerate SHADs to promote learning and pioneer development of a more progressive approach that can be used more widely.

We will redesign the SHAD approach and work on a mechanism for targeting to reach the groups that need most help. The potential to use these as a more sustained educational approach will be explored. The intention is to develop a solution that can be scaled and is transportable so that the approach can be used by stakeholder organisations not exclusively by HSE with an ultimate target of industry ownership and delivery.

The early stages of this may require some testing of different approaches to get the most out of these for different audiences. As we move forward we will test ways of targeting invitations to secure attendance of different audience segments; splitting the audience to provide content that is most suited to their likely attitude to risk; using follow up activities to build on the learning offered by the event, and using HSE interventions to measure the impact the event has in securing on farm compliance. This latter approach will link specific events to inspection activity which will be scaled up or down depending on the measured impact of the events.

### **3. Highlighting our expectations of, and findings from, our inspection activities to have an educational and deterrent effect across the industry;**

Our insight research has shown a clear need for farming businesses, our duty holders, to understand in simple terms what is the minimum expected of them and the standards that they must achieve. While the goal setting nature of H&S legislation allows businesses to adapt and choose the best risk control for their circumstances, and the suite of industry specific and generic HSE guidance supports this decision making, it is clear that some segments of the industry would benefit from a simplified view of what legal compliance looks like across a range of activities.

To continue our strategic objective of ensuring guidance and core messages are disseminated effectively to the industry we will develop some simple statements of “What a good farm looks like” in terms of H&S compliance. This will be shared with farms so that they understand what HSE inspectors look for, and will be used by FOD inspectors as a benchmark when interacting with farm businesses especially in relation to enforcement action. This guidance will not replace more comprehensive documents such as Farmwise, but will provide the quick easy reference that insight has shown to be needed.

We will also promote the “what good looks like” approach through partnership routes and through traditional and digital media, in general and around specific campaigns.

The Agriculture Unit will undertake periodic analysis of the findings of our inspection activities and will share these with industry to highlight good practice, straight forward means of compliance and to underline areas where the industry needs to act, as typified by enforcement activity. Our insight has indicated that a significant component

of this approach is the need to celebrate successes using our messaging to focus on and normalise examples of good practice and effective risk control as much as we do on the examples of poor performance and enforcement activity.

#### **4. Maximising the reach and impact of our investigation and enforcement activities**

The current industry performance on health and safety means enforcement remains a key component of the sector strategy. Our enforcement activities secure justice and provide opportunities to shine a light on the benchmark standards expected in the industry to promote compliance;

Alongside the promulgation of findings from our inspection activity, we will make more of our investigation and enforcement activities in the industry. Since February 2016 the Agriculture Unit has taken a proactive approach to flagging up fatal injuries in the sector using a system of “initial notifications” to stimulate industry discussion of good practice. Feedback from stakeholder organisations, and the reaction of their members, has shown this to be an effective way of prompting discussion and promoting industry activity to improve H&S performance. Effectively the activity has moved the industry perception of fatal incidents from being remote and unfortunate incidents, to being frequent undesirable occurrences.

The use of HSE’s findings from investigation and enforcement activities in the industry also provides an opportunity to stimulate that conversation and increase the industry response to their performance. The Agriculture Unit will therefore undertake periodic analysis of these interventions and use them as case studies and stimuli to highlight good practice, straight forward means of compliance and to underline areas where the industry needs to act, as typified by enforcement activity.

Within HSE the Agriculture Unit will work with Field Operations to gather proportionate and consistent levels of data from investigations to highlight failings, promote good practice, and to underline the consequences of incidents in terms of the human cost and the impact on the business

The outputs from these activities will be adapted to suit the way in which these are used, and may encompass case studies from investigations, press releases covering prosecutions, or more generalised and “packaged” information that can be used by stakeholders, such as the FSPs, to increase industry action.

#### **5. Industry ownership, collaboration and engagement**

A key objective in the strategy for agriculture set out by HSE in 2010 and 2014 was for the industry stakeholders and intermediaries to accept sustained ownership of the industry’s poor health and safety performance and demonstrate leadership in promoting the necessary cultural change to address the problem through their respective memberships.

##### **Role of the farm safety partnerships**

The formation of the farming industry safety partnerships and other bodies such as FISA and the Farm Safety Foundation, was the industry’s declaration of an intent to

tackle the poor record and coincides with the signs of improvement that have emerged in the last five years.

While the apparent correlation may indicate that the FSPs are making a difference, an objective analysis of their activities would conclude that they are far from reaching their potential in changing the industry. It is important to recognise the considerable efforts and work done by the partnerships over the last few years but it is fair to say that they are missing a few important elements that are needed if they are to succeed. They need to have effective strategies rather than what some have described as a list of disjointed actions. They also need clear roles for the organisations that form the partnerships and a proper mandate from their member organisations and support from the very top of all the key organisations that have an interest in the Health & Safety agenda.

HSE will continue to engage and support the partnerships, and others, to build this momentum and improve agricultural workplace health and safety. In particular our Sector Plan set out our intent to help change behaviours and attitudes through an industry-wide strategic approach in five key areas.

### **Sharing information and insight**

We set out that we will share insight research to identify audience segments, channels and trusted messengers and help the industry use these findings to achieve behaviour change. As we move into 2018 HSE will seek ways to publish and share the insight findings in a way that assists recipients in making sense of it and turning it into useful and practical applications to engage the industry.

### **Engaging workers and employers**

In sharing our insight across the industry we will continue our tripartite approach, bringing together workers, employers and the regulator. This will be coupled with the challenge to existing partnership groups to demonstrate their ownership of the problems, develop shared solutions and deliver consistent actions and messages. Each stakeholder will have different routes to influence their members, and different touch points with the farming industry, so it is important that we help them develop an approach that suits their position if we are to achieve wide coverage and consistent messaging across the industry.

The combination of tripartism and shared insight is a major contributor to the efficacy of our messaging. One key mechanism for HSE to engage with employers and employees in the same forum is through the Agriculture Industry Advisory Committee (AIAC), a mechanism established to help inform HSE policy decisions. Recognising this, and acknowledging that the FSPs can provide an alternative forum to engage with these organisations, we will continue to run the AIAC until such time that we are confident that the industry partnerships offer a stable and reliable forum to reliably replace the AIAC function of advising HSE.

### **Working with training organisations**

The current economic and political climate emphasises the need for the farming industry to demonstrate its professionalism and efficiency for a sustainable future. Key players in this are those organisations that are involved in the education of the next generation of farmers, such as the colleges, and those that play a significant part in the continued professional development of the industry, such as Lantra. HSE has

established links with organisations such as Lantra, Landex and NLBC and will continue to engage with these organisations to ensure that the curricula of land based colleges and other training organisations, integrate health and safety compliance into the course programmes. Continuing from our strategic goal of promoting assessment of competence and the uptake of competence based training in managing health and safety in the industry our fundamental message is that management of health and safety is part of a modern, professional business and learning and development activities have a key role in demonstrating how this is an integral part of doing the job and not an additional and separate activity.

### **Self employed farmers**

In October 2015 changes to H&S legislation generally exempted self-employed persons from health and safety law where their activities did not pose a risk to others. However the risks in agriculture, and the poor record, was sufficient that parliament decided that agriculture should be a prescribed activity where the full remit of health and safety law applies to a self employed person looking after themselves. The activities of HSE should reinforces the message that farmers are not exempt from health and safety law, both in our interactions with stakeholders and in the enforcement action we take when engaging directly with farming businesses. This strategy has already set out the approach HSE will take to engaging the industry through inspection, investigation and enforcement, and we will ensure that our actions are consistent to engender a culture of professionalism and compliance for all.

### **Working with the FSPs**

For many years HSE has recognised that the key to improving the agricultural industry's performance lies with the industry itself. While this strategy sets out HSE's plans for its interventions with the industry, based on our role as a regulator, we have not moved from the fundamental principle of working with the industry to build momentum and act on the signs of improvement that appear to be emerging in the industry's fatal injury rate. Our aim remains for the key stakeholders to demonstrate sustained ownership of the industry's poor health and safety performance and the leadership required to drive improvement. HSE will work closely with the farm and forestry safety partnerships, and their member organisations, acting to provide information, advice, guidance and inspiration to focus their activities to promote legal compliance and the necessary cultural change to improve health and safety performance across the industry.

### **Areas to develop**

Finally there are areas that HSE needs to explore and develop to increase impact and reach. As we move towards a post Brexit era and the potential changes to farm support mechanisms, changes in utilisation of (or reliance on) migrant labour and the market forces that will act across farming businesses we are likely to expose common challenges and synergies with other bodies, such as Defra, EA and AHDB. These challenges may present significant opportunities to improve the industry's approach to risk management, the links to farm support and professionalism and the industry's resilience in facing these challenges. These provide potential opportunities to build on H&S management as an everyday part of business management and to dispel the idea that H&S is something that is done separately

Rick Brunt  
Head of Agriculture, HSE, 22 November 2017